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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

Rules and Regulations

Federal Register
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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 999

[Docket No. FV97–999–1 FIR]

Specialty Crops; Import Regulations; Extension of Reporting Period for Peanuts Imported Under 1997 Import Quotas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (Department) is adopting, as a final rule, without change, the provisions of an interim final rule which removed the 23-day reporting requirement and established a new date for importers to report disposition of peanuts imported under 1997 peanut import quotas. This rule also finalizes the establishment of a 120-day reporting period for any peanuts imported in excess of the 1997 import quotas. The 23-day report period established in the import regulation is impractical given the volume of peanuts imported under January 1 and April 1 peanut import quotas. These changes are for the 1997 peanut quota periods only. This rule is deemed necessary by the Agricultural Marketing Service (AMS) to provide peanut importers with sufficient time to meet the quality and reporting requirements of the peanut import regulation.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Tom Tichenor, Senior Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; tel: (202) 720–6862; fax (202) 720–5698. Small business may request information on compliance with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone (202) 720–2491, Fax: (202) 720–5698.

SUPPLEMENTARY INFORMATION: This rule amends the peanut import regulation published in the June 19, 1996, issue of the **Federal Register** (61 FR 31306, 7 CFR Part 999.600), which regulates the quality of imported peanuts. An amendment to the regulation was issued December 31, 1996 (62 FR 1249, January 9, 1997). The import regulation is effective under subparagraph (f)(2) of section 108B of the Agricultural Act of 1949 (7 U.S.C. 1445c–3), as amended November 28, 1990, and August 10, 1993, and section 155 of the Federal Agriculture Improvement and Reform Act of 1996 (7 U.S.C.7271). Those statutes provide that the Secretary of Agriculture (Secretary) shall require that all peanuts in the domestic and export markets fully comply with all quality standards under Marketing Agreement No. 146 (7 CFR Part 998) (Agreement), issued pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

This rule has been determined not significant for purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the regulations, disposition of imported peanuts must be reported to AMS within an established time period. This rule changes that time period and is intended to apply to Mexican peanuts imported from January 1, 1997, to December 31, 1997, and to Argentine and ''other country'' peanuts imported from April 1, 1997, to March 31, 1998. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule. There are no administrative procedures which must be exhausted prior to any judicial challenge to the provisions of this rule.

This rule amends, for the 1997 peanut quota year, a provision in § 999.600 of the regulations governing imported peanuts (7 CFR part 999—Specialty Crops; Import Regulations). Section 999.600 establishes minimum quality, identification, certification, and safeguard requirements for foreign produced farmers stock, shelled and cleaned-inshell peanuts presented for importation into the United States. The quality requirements are the same as those specified in § 998.100 Incoming quality regulation and § 998.200 Outgoing quality regulation of the Agreement.

The import regulation was finalized June 19, 1996 (61 FR 31306). At that time, three duty-free peanut quotas for 1996 had been filled and no peanuts were entered under duty for the remainder of 1996. Therefore, the peanut import regulation had its first practical application with the opening of the Mexican peanut quota on January 1, 1997.

Under the safeguard procedures, importers are required to report to AMS disposition of all imported peanuts. Paragraph (f)(3) of the regulations sets a 23-day period for filing certificates of inspection and aflatoxin testing. Sixty day extensions are possible, but requests for these must be filed within the 23-day reporting period. The reporting period and procedures for extension were established with the expectation that three duty-free quotas would fill gradually during the quota year. However, this did not occur. The Mexican quota of 8.1 million pounds closed approximately 4 weeks after the January 1, 1997 opening. The Argentine quota of 73.5 million pounds and the ''other country'' quota of 13.3 million pounds filled immediately at 12:00 noon on opening day, April 1, 1997. Importers' applications to enter peanuts under the Argentine and ''other country'' quotas greatly exceeded the quota volumes for these countries. After pro-rata distribution of those quotas (based on the total peanut volume in each importer's entry applications), the Customs Service set April 15 as the entry date for approximately 86.8 million pounds of peanuts under the two quotas.

Because of the large volume of peanuts simultaneously released on April 15, 1997, importers have been unable to meet the 23-day reporting deadline for many of their imported lots. Obstacles to expedient certification of such large volumes of imported peanuts included: (1) Logistics of moving containers out of some congested port areas and into storage; (2) arranging for sampling and inspection, and receiving certifications;

and (3) arranging for and transporting failing lots to facilities for reconditioning and recertification.

Therefore, this rule finalizes establishment of the new reporting date of November 1, 1997, for reporting disposition of all peanuts entered under the 1997 import quotas. It also provides for an extension of the reporting period beyond November 1. Requests for extensions must be made in writing and include the Customs Service entry number, container and lot information for the unreported peanut lot(s), and the reason for delay in meeting the November 1 reporting date. AMS will evaluate each request on a case-by-case basis.

Peanuts may continue to be imported into the United States after the import quotas are closed (with payment of tariff charges). Therefore, this rule also provides that disposition of any peanuts imported after the 1997 import quotas close must be reported within 120 days after the peanuts are entered by the Customs Service.

As a compliance measure, paragraph (f)(4) provided that the Secretary would ask the Customs Service to demand redelivery of peanut lots not reported as meeting the requirements of the import regulation. Because this rule extends the reporting period beyond the Customs Service 30-day redelivery demand period, the first three sentences in paragraph (f)(4) are not applicable for peanuts entered under the three 1997 import quotas. Those sentences are therefore removed in this rulemaking. The remainder of paragraph (4) regarding failure to comply with the import regulation and falsification of reports is retained.

These changes do not affect the stamp-and-fax procedure established in paragraph (f)(1) of the safeguard provisions. That procedure ensures notification of the Federal or Federal-State Inspection Service of applications to import peanuts. This rule also does not change the safeguard requirement that all imported lots must be reported. Pursuant to paragraph (f)(1), all imported peanuts must be reported to AMS—including those peanut lots that meet import requirements. Paragraph (f)(2) provides that the quality and aflatoxin certifications and other documentation must be sent by regular mail to: Marketing Order Administration Branch, F&V, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, D.C. 20090–6456, ''Attention: Report of Imported Peanuts.'' Overnight or express mail reports may be sent to Marketing Order Administration Branch, F&V, AMS, USDA , 14th and Independence Avenue, S.W. Room 2525-S, Washington, D.C. 20250, ''Attention: Report of Imported Peanuts.''

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis relevant to this rulemaking.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. AMS records for 1997 show that approximately ten importers of peanuts were large handlers of domestically grown peanuts and six were importers of general food commodities, some of whom may be small entities. Small agricultural service firms, which include importers, have been defined by the Small Business Administration (13 CFR 121.601) as those whose annual receipts are less than $5 million. Although small business entities may be engaged in the importation of peanuts, the majority of the importers are large business entities.

This rule extends for the 1997 quota periods only the time period for importers to meet import requirements for each lot of imported peanuts and file reports on the disposition of those peanuts. The reporting requirements are an integral part of the safeguard procedures specified in the import regulation, which is required by statute. The requirements are applied uniformly to small as well as large importers.

The previous reporting time period was 23 days. The new reporting time period ended on November 1, 1997. This change represents an increase, depending on date of entry of a peanut lot, of up to 280 days for Mexican peanut imports (entered on January 1) and 175 days for Argentine and ''other country'' peanuts (all of which were entered on April 15). The rule also extends the reporting period for all other peanut entries during the 1997 quota year from 23 days to 120 days. The additional time to meet requirements enabled importers to more efficiently manage movement and disposition of their imported peanuts.

It is not possible to estimate cost savings that might result from any increased efficiency of operations because of this action. Extension requests, when properly requested, already have been granted by AMS. The rule will benefit importers of large quantities of peanuts by relieving the time pressure to have multiple lots certified, and many lots reconditioned, within a very short time period. The rule also will benefit small importers who do not have peanut handling resources and must contract with remillers and blanchers to recondition failing peanut lots. Records indicate that some importers, including small importers, are outside the domestic peanut production area, and must transport failing lots long distances for reconditioning.

Alternative reporting time periods were considered by AMS. For the purposes of clarity, AMS believes that a single date, applicable to all 1997 entries under the quota is less confusing than 60 or 90 days from the release date of a peanut lot by the Customs Service. Sixty days are considered too short, as some peanut lots entered on April 15 are being inspected for the first time more than two months later. Also, necessary reconditioning efforts, with appropriate sampling and re-inspections after each attempt may take longer than 60 days. Extensions may be requested for individual lots not certified by the end of their applicable reporting period.

AMS is not aware of any peanuts imported after the 1997 quotas were filled. However, any such imports would have been handled in a more routine manner and normal pace than when the great volumes were released simultaneously on quota opening days. Thus, the 120-day requirement for any peanuts imported after the quotas are filled is deemed reasonable by AMS.

For these reasons, AMS has determined that this action will be beneficial to all importers, both large and small.

In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) as amended in 1995, the information collection requirement contained in this rule was approved by the Office of Management and Budget (OMB) on September 3, 1996, and assigned OMB number 0581–0176. This rule does not establish new reporting or recordkeeping requirements. The current annual reporting burden for importers is estimated at 12 hours. Those affected by this rule have already reported entries and requested extensions of deadlines for reporting peanuts entered under the 1997 import quotas. Further, because no additional 1997 peanut imports are expected, there should be no need to file additional reports other than the final report of all entries, which is included in the approved 12 hour reporting burden.

Paragraph (f)(3) of the rule is revised for the 1997 import periods only. All certificates and other documents reporting the disposition of passing, as well as failing and reconditioned,

peanut lots must be reported to AMS by November 1, 1997. This reporting date applies to only AMS' peanut import regulation and does not supersede other reporting dates for those peanuts that may be established by the Customs Service or other agencies. For peanuts imported after the quotas are filled, this rule extends the reporting period from 23 to 120 days, thus, reducing or eliminating the burden of requesting an extension of the reporting period.

An interim final rule concerning this action was issued by the Department on September 19, 1997, and published in the **Federal Register** on September 25, 1997. Copies were mailed by AMS to all known peanut importers, exporters, customs brokers and appropriate embassies. That rule provided for a 30-day comment period which ended October 27, 1997. Three comments were received.

One comment was received from the executive director of the Peanut Shellers Association of America, which stated that its members handle approximately 65 percent of the peanuts used in the United States. The Association supports the interim final rule extending the deadline for importers to report compliance with the peanut import regulation. The commenter also stated that some of the Association members request that AMS collect needed information from its inspection service and chemical laboratories. This request will be reviewed and considered for futher rulemaking, if appropriate. It will be addressed in a subsequent proposed rulemaking for 1998 peanut imports.

A second comment was received from a major peanut importing company, which also is a handler of domestically produced peanuts. The commenter supports extension of the reporting period.

The final comment was received from a regional peanut growers cooperative. The commenter agreed that the single reporting date of November 1 is better than the original regulation's date of 30 days after entry of a peanut shipment. The comment, however, disagreed that extensions should be granted to those importers who were unable to meet the November 1 deadline. It was necessary to provide for such extensions in order to allow peanut importers sufficient time to meet the quality and reporting requirements for 1997 peanut imports. Also, because of the volume of certifications being filed simultaneously by approximately 30 importers, AMS needs time to review filed documents and complete reviews of each importers peanut entries.

Based on the comments received, no changes will be made to the interim final rule as published.

The action is a relaxation of the reporting time period which benefits peanut importers who are experiencing difficulty meeting the established reporting time period requirements.

After consideration of all relevant material presented, including the necessity by AMS to provide peanut importers sufficient time to meet the quality and reporting requirements of the peanut import regulation, it is found that finalizing the interim final rule, without change, as published in the **Federal Register** (62 FR 50241, September 25, 1997) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 999

Dates, Food grades and standards, Hazelnuts, Imports, Nuts, Peanuts, Prunes, Raisins, Reporting and recordkeeping requirements, Walnuts.

For the reasons set forth in the preamble, 7 CFR Part 999 is amended as follows:

PART 999—SPECIALTY CROPS; IMPORT REGULATIONS

Accordingly, the interim final rule amending 7 CFR Part 999.600 which was published at 62 FR 50241 on September 25, 1997, is adopted as a final rule without change.

Dated: March 9, 1998.

Robert C. Keeney,

Deputy Administrator, Fruit and Vegetable Programs.

[FR Doc. 98–6772 Filed 3–16–98; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

8 CFR Parts 103, 204, 208, 209, 244, 245, 264, 299, 316, 332, and 335

[INS No. 1891–97]

RIN 1115–AF03

Fingerprinting Applicants and Petitioners for Immigration Benefits; Establishing a Fee for Fingerprinting by the Service; Requiring Completion of Criminal Background Checks Before Final Adjudication of Naturalization Applications

AGENCY: Immigration and Naturalization Service, Justice.

ACTION: Interim rule with request for comments.

SUMMARY: This rule amends the Immigration and Naturalization Service (Service) regulations relating to fingerprinting applicants and petitioners for benefits under the Immigration and Nationality Act (Act). This rule implements certain provisions of the Department of Justice Appropriations Act, 1988, which prohibit the Service from accepting fingerprint cards (Form FD–258) for the purpose of conducting criminal background checks on applicants and petitioners for immigration benefits prepared by any individual or entity other than the Service, a registered State or local law enforcement agency, a United States consular office at a United States embassy or consulate, or a United States military installation abroad. The rule also announces the termination of the Designated Fingerprinting Services (DFS) certification program. In addition, this rule establishes a $25 service fee for fingerprinting by the Service, and requires Service receipt of a definitive response from the Federal Bureau of Investigation (FBI) before final adjudication of a naturalization application.

DATES:

Effective date: This interim rule is effective March 29, 1998.

Comment date: Written comments must be submitted on or before May 18, 1998.

ADDRESSES: Please submit written comments, in triplicate, to the Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, 425 I Street, NW., Room 5307, Washington, DC 20536. To ensure proper handling, please refer to INS No. 1891–97 on your correspondence. Comments are available for public inspection at the above address by calling (202) 514–3048 to arrange for an appointment.

FOR FURTHER INFORMATION CONTACT: Ann Palmer or Thomas E. Cook, Office of Naturalization Operations, Immigration and Naturalization Service, 801 I Street, NW., Room 935, Washington, DC 20536, telephone (202) 305–0539.

SUPPLEMENTARY INFORMATION:

Background

1. What is the Designated Fingerprinting Services (DFS) Program?

The Designated Fingerprinting Services (DFS) program allowed qualified individuals, businesses, and law enforcement agencies to apply to the Service for certification as a DFS entity to provide fingerprinting services to applicants and petitioners for immigration benefits. The primary purposes of the program were to facilitate the processing of applications

and petitions for benefits and protect the integrity of the fingerprinting process. The Service developed the DFS program as a result of reports from the United States Department of Justice, Inspector General, and United States General Accounting Office which found that the Service's unregulated fingerprinting policy, in effect since 1982, did not provide sufficient security controls. Under the DFS program, the Service accepted fingerprint cards (Form FD–258) filed with applications and petitions for immigration benefits only if they were prepared by a designated Service employee, an approved DFS entity, an intending DFS entity that had submitted an application for certification prior to March 1, 1997, or a law enforcement agency registered as a DFS entity.

2. How Did the Service Implement the DFS Certification Program?

On May 15, 1995, the Service published a notice of proposed rulemaking in the **Federal Register** at 60 FR 25856 proposing to implement the DFS certification program, which set forth the certification requirements and application procedures for individuals and entities interested in providing fingerprinting services to applicants and petitioners for immigration benefits. The Service also specified a date by which it would no longer accept fingerprint cards prepared by unauthorized entities.

On June 4, 1996, after a 60-day public comment period, the Service published a final rule in the **Federal Register** at 61 FR 28003, formally implementing the DFS certification program. The final rule became effective July 5, 1996. However, due to the insufficient number of certification applications received by the Service, and to ensure that adequate fingerprinting services were available to all applicants and petitioners for immigration benefits, the Service published a final rule in the **Federal Register** on November 7, 1996, at 61 FR 57583, extending the effective date of the DFS certification program to March 1, 1997.

Legislative Authority

1. Why is the Service Terminating the Designated Fingerprinting Services Certification Process?

On November 26, 1997, the Department of Justice Appropriations Act, 1998 (Pub. L. 105–119, 111 Stat. 2440) was enacted. This legislative change necessitates elimination of the DFS program. Pursuant to this legislation, effective December 3, 1997, the Service can accept fingerprint cards (Form FD–258) for the purpose of conducting criminal background checks on applications and petitions for immigration benefits only if prepared by a Service office, a registered State or local law enforcement agency, a United States consular office at a United States embassy or consulate, or a United States military installation abroad. Accordingly, the Service is removing the DFS certification process from its regulations.

2. How Will the Service Implement the New Fingerprint Requirements?

To comply with Public Law 105–119, 111 Stat. 2440, the Service is establishing a new program to fingerprint applicants and petitioners for immigration benefits. The Service is opening new offices, known as Application Support Centers (ASCs), and establishing mobile fingerprinting centers nationwide to fingerprint applicants and petitioners for immigration benefits. The Service will also fingerprint applicants and petitioners for immigration benefits in certain Service field offices and, in less populated areas, is entering into co-operative agreements with designated State or local law enforcement agencies (DLEA) which have registered with the Service to provide fingerprinting services to applicants and petitioners for immigration benefits. This new fingerprinting program applies only to acceptance of Form FD–258, Applicant Card, submitted to the Service in connection with applications and petitions for immigration benefits.

3. How Does the New Legislation Affect Filing of Applications and Petitions for Immigration Benefits?

Under the Service's new fingerprinting program, effective on December 3, 1997, the Service began accepting fingerprinting cards with applications and petitions for immigration benefits only if prepared by the Service, registered State or local law enforcement agencies, a United States consular office at a United States embassy or consulate, or a United States military installation abroad.

Effective March 29, 1998, applicants and petitioners for immigration benefits residing in the United States will be required to file applications and petitions without completed fingerprint cards. After filing, the Service will notify applicants and petitioners to appear at an ASC or other Service-designated location, including designated State or local law enforcement agencies, to be fingerprinted. Applicants and petitioners residing outside of the United States submit completed fingerprint cards prepared by the Service, a United States consular office or a United States military installation abroad with applications and petitions for immigration benefits.

a. How Has the Fingerprinting Process for Naturalization Been Changed?

Effective December 3, 1997, naturalization applications from individuals residing in the United States (as defined in section 101(a)(38) of the Act) have been filed without completed fingerprint cards. After filing the Form N–400, these naturalization applicants have been notified to appear at an ASC or other Service-designated location to be fingerprinted. Naturalization applications from individuals residing outside of the United States have been filed with completed fingerprint cards prepared by a United States consular office at a United States embassy or consulate or a United States military installation aboard.

b. How Has the Fingerprinting Process for Immigration Benefits Other Than Naturalization Been Changed?

Effective on December 3, 1997, applicants and petitioners for immigration benefits other than naturalization have filed applications and petitions with completed fingerprint cards prepared by State or local law enforcement agencies registered with the Service to provide fingerprinting services.

Effective on March 29, 1998, applications and petitions for all immigration benefits other than naturalization, including asylum applications, from individuals residing in the United States, will be filed without completed fingerprint cards. After filing, these individuals, who require fingerprinting in connection with applications and petitions, will be notified to appear at an ASC or other Service-designated location to be fingerprinted. Under this new process, the Service will continue to give special consideration to processing of fingerprint cards associated with orphan petitions to ensure timely and flexible adjudication of these cases.

Effective December 3, 1997, applications and petitions for immigration benefits other than naturalization from individuals residing outside of the United States have been filed with completed fingerprint cards prepared by the Service, a United States consular office at a United States embassy or consulate, or a United States military installation aboard.

4. Will Applicants and Petitioners Who Were Fingerprinted by a DFS Entity Need to Be Re-fingerprinted?

Fingerprint cards submitted with properly filed applications and petitions for any immigration benefit which were accepted by the Service before December 3, 1997, will be processed in accordance with the regulations in effect at the time of acceptance. For purposes of implementing this rule, fingerprint cards are deemed accepted by the Service before December 3, 1997, if: (1) The application or petition was hand delivered to a Service office before December 3, 1997; or (2) the application or petition was postmarked before December 3, 1997, and was received in a Service office before December 6, 1997. Applicants and petitioners whose properly completed fingerprint cards were accepted before December 3, 1997, will not ordinarily be required to be re-fingerprinted in accordance with these new fingerprinting procedures, unless the Attorney General determines that it is necessary to re-fingerprint an applicant or petitioner. For example, the Attorney General may decide to take an additional set of fingerprints for an asylum applicant in order to comply with the identity provisions of section 208(d)(5)(A)(i) of the Act or in cases in which the Federal Bureau of Investigation rejects a fingerprint card. However, beginning on December 3, 1997, for naturalization applicants and on March 29, 1998, for applicants and petitioners for other benefits, the Service will notify applicants and petitioners who file a completed fingerprint card prepared by a DFS entity to be re-fingerprinted at an ASC or other Service-designated location.

5. Why is the Service Charging a Fee for Fingerprinting Services?

In Pub. L. 105–119, 111 Stat. 2440, Congress authorized the Service to charge a fee for fingerprinting in connection with the new fingerprinting program. Accordingly, the Service will charge the fee necessary to recover the administrative and support costs of the new fingerprinting program, and for the collection, safeguarding, and accounting of the fees. All fingerprinting fees initially collected from applicants and petitioners for immigration benefits will be deposited into the Immigration Examinations Fee Account established by 8 U.S.C. 1356(m)–(p). However, the Service will not begin charging the fee for fingerprinting applicants and petitioners for immigration benefits until March 29, 1998. This service fee for fingerprinting will apply only to applications and petitions for immigration benefits filed on or after March 29, 1998. Therefore, applicants and petitioners for immigration benefits who file before March 29, 1998, but who are scheduled to be fingerprinted by the Service on or after March 29, 1998, will be fingerprinted by the Service without charge. This delay in collecting the fee for fingerprinting services will allow the Service to ensure that the new ASCs and mobile fingerprinting centers are operating efficiently.

6. What Fee is Being Established for Fingerprinting by the Service?

In the interest of fairness and based on a Service-determined cost estimate, during the early stages of the new fingerprinting program, the service fee for fingerprinting by the Service is established at $25 per applicant, petitioner, beneficiary, sponsor, or other individual required by Service regulations or form instructions to be fingerprinted in connection with an application or petition for immigration benefits. The Service anticipates that this $25 fee will not recover all Service costs for fingerprinting individuals for immigration benefits at present. However, the Service plans to conduct a fee analysis under provisions of Office of Management and Budget Circular A–25 in the near future to determine the full cost to the Service of fingerprinting individuals for immigration benefits.

Congress has also authorized registered State and local law enforcement agencies and United States consular offices at United States embassies or consulates, or United States military installations abroad to charge a fee for fingerprinting applicants and petitioners for immigration benefits.

7. How Will Applicants and Petitioners Submit the Fee for Fingerprinting by the Service?

The one-time $25 fee for fingerprinting by the Service must be submitted at the time of filing the application or petition, in addition to the filing fee for the application or petition. However, applicants and petitioners residing abroad who are fingerprinted at United States consular offices or military installations abroad do not need to be fingerprinted by the Service. Therefore, these applicants and petitioners will submit the completed fingerprint cards at the time of filing the application or petition for immigration benefits, and do not need to submit the $25 fee for fingerprinting by the Service. In addition, asylum applicants are exempt from submitting the fee for fingerprinting by the Service in connection with filing an application for asylum and withholding of removal.

Applications and petitions for immigration benefits filed by individuals residing in the United States submitted without the $25 service fee for fingerprinting by the Service or with the incorrect service fee for fingerprinting, will not be rejected as improperly filed. The Service will notify applicants or petitioners to submit the correct fee for fingerprinting, and will withhold processing of the application or petition, including scheduling for fingerprinting, until the correct fingerprinting fee is received. Failure by an applicant or petitioner to submit the correct fee for fingerprinting by the Service within the time allotted in a notice to the applicant or petitioner will result in denial of the application or petition due to abandonment.

8. How Does Public Law 105–119 Affect Adjudication of Naturalization Applications?

The new legislation codifies current Service policy that the Service must receive confirmation from the Federal Bureau of Investigation (FBI) that a full criminal background check has been completed on applicants for naturalization before final adjudication of the application. This interim rule requires the Service to receive a definitive response from the FBI that a criminal background check has been completed before notifying applicants for naturalization to appear before a Service officer for the mandatory examination on the Form N–400, Application for Naturalization.

Explanation of Changes

What Changes is the Service Making to its Regulations?

1. Changes in § 103.1

In § 103.1, paragraph (f)(3)(iii)(NN) is amended to remove the Form I–850, Application for Certification for Designated Fingerprinting Services, from the list of decisions of which the Associate Commissioner for Examinations exercises jurisdiction. This change is necessary because the Service is eliminating the DFS certification program.

2. Changes in § 103.2

In § 103.2, paragraphs (a)(1) and (a)(7)(i) are revised to allow the Service to treat as properly filed applications and petitions which require completion of fingerprint cards but which are submitted without the $25 fee for fingerprinting by the Service. Paragraph (a)(7)(ii) is revised to allow the Service to reject applications or petitions as improperly filed if the check or other financial instrument used to pay the

fingerprinting fee is returned to the Service as not payable. Paragraphs (b)(9), (b)(10)(i), (b)(13), and (b)(14) are revised to include requests that applicants and petitioners for immigration benefits appear for fingerprinting at a Service office or other location designated by the Service, and to allow the Service to deny the applications and petitions of individuals who fail to appear for fingerprinting. Paragraph (e) is revised to eliminate the DFS program and establish new fingerprinting procedures for applicants and petitioners for immigration benefits.

3. Changes in § 103.7

In § 103.7, paragraph (b)(1) is amended to add the fee for fingerprinting by the Service, and to remove the fee for the Form I–850, Application for Certification for Designated Fingerprinting Services. Charging a fee for fingerprinting is necessary to fund the Service's new fingerprinting program, and the fee is established at $25 per individual who requires fingerprinting. The fee for the Form I–850, Application for Certification for Designated Fingerprinting Services, is being removed because the form relates to the DFS program and the Service is canceling the DFS program by publication of this interim rule.

4. Changes in § 204.3 and § 204.4

In §§ 204.3 and 204.4, the Service is amending the regulations to require the Form I–600A, Application for Advanced Processing of Orphan Petition, the Form I–600, Petition to Classify Orphan as an Immediate Relative, and the Form I–360, Petition for Amerasian, Widow or Special Immigrant, filed on behalf of an Amerasian child of a United States citizen to be filed without completed fingerprint cards, and to require the prospective adoptive parents, other adult members of the prospective adoptive parents' household, and sponsors of Amerasian children to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e).

5. Changes in § 208.7, § 208.10, and § 208.14

In § 208.7, the Service is amending the regulations to clarify that failure to follow requirements for fingerprint processing may affect an asylum applicant's eligibility for employment authorization. In § 208.10, the Service is amending the regulations to include failure to follow the requirements for fingerprint processing as a ground for dismissal of a case or waiver of an adjudication by an asylum officer. In § 208.14, the Service is amending the regulations to permit referral of an asylum application when the applicant is deemed to have waived adjudication by an asylum officer.

6. Changes in § 209.1 and § 209.2

In §§ 209.1 and 209.2, the Service is amending the regulations to require refugee entrants and aliens granted asylum to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e) after filing the application, rather than submitting the fingerprints on a completed fingerprint card with the application.

7. Changes in § 244.6

In § 244.6, the Service is amending the regulations to require applicants for temporary protected status to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e) after filing the Form I–821, Application for Temporary Protected Status, rather than submitting the fingerprints on a completed fingerprint card with the application.

8. Changes in § 245.7

In § 245.7, the Service is amending the regulations to require applicants for benefits under section 599E of Public Law 101–167 to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e) after filing the Form I–485, Application to Register Permanent Residence or Adjust Status, rather than submitting the fingerprints on a completed fingerprint card with the application.

9. Changes in § 264.2 and § 264.5

In §§ 264.2 and 264.5, the Service is amending the regulations to require applicants for creation of a record of permanent residence and for a replacement alien registration card to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e) after filing the application, rather than submitting the fingerprints on a completed fingerprint card with the application.

10. Changes in § 299.1 and § 299.5

In §§ 299.1 and 299.5, the Service is amending the regulations to remove the Form I–850, Application for Certification for Designated Fingerprinting Services, and the Form I–850A, Attestation by Designated Fingerprinting Service Certified to Take Fingerprints, from the listing of forms. These changes are necessary because the forms relate to the DFS program and, by publication of this interim rule, the Service is terminating the DFS program in order to comply with the new legislation relating to fingerprinting applicants and petitioners for immigration benefits.

11. Changes in § 316.4

In § 316.4, the Service is amending the regulations to require applicants for naturalization to file a complete application without a fingerprint card, and to appear at a Service office, or other location designated by the Service, for fingerprinting in accordance with the new fingerprinting procedures being established in § 103.2(e) after filing the Form N–400, Application for Naturalization.

12. Changes in § 332.2

In § 332.2, the Service is amending the regulations to remove references to fingerprinting services being provided by non-profit organizations. The change is necessary because the new legislation relating to fingerprinting applicants and petitioners for immigration benefits prohibits the Service from accepting fingerprint cards prepared by any organization other than the Service, registered State or local law enforcement agencies, United States consular offices, or United States military installations abroad.

13. Changes in § 335.2

The FBI currently performs criminal background checks on applicants for naturalization and notifies the Service of the results of these checks. It has been Service policy to request applicants for naturalization to appear for examination on the application only after receiving such a notice from the FBI. In § 335.2, the Service is amending the regulations to require a definitive response from the FBI on the criminal background check on an applicant for naturalization. A definitive response is defined as a response from the FBI that: (1) An applicant does not have an administrative or criminal record; (2) an applicant does not have an administrative or criminal record; or (3) an applicant's fingerprints cannot be classified for purposes of conducting a criminal background check, despite the

FBI's receipt of two properly prepared fingerprint cards. In the case of an applicant whose fingerprints cannot be classified, Service quality assurance procedures require the applicant to submit police clearances to the Service before final adjudication of the naturalization application.

Good Cause Exception

The Service's implementation of this rule as an interim rule, with provision for post-promulgation public comments, is based on the ''good cause'' exceptions found at 5 U.S.C 553(b)(B) and (d)(3). The reason and necessity for immediate implementation of this interim rule without prior notice and comment is that new legislation prohibiting the Service from accepting fingerprint cards unless prepared by a Service office, a registered State or local law enforcement agency, a United States consular office at a United States embassy or consulate, or a United States military installation abroad, became effective December 3, 1997.

This rule is needed in order to establish the new fingerprinting process for applications and petitions filed on or after December 3, 1997. Accordingly, any delays in the implementation of the new fingerprinting process required by this law will result in unnecessary delays in the filing and adjudication of applications and petitions for immigration benefits, without a corresponding public benefit. Furthermore, Congress addressed its intent to permit the Service to use interim regulatory authority in the early stages of this program. In particular, the Congressional Record of November 13, 1997, at page H10837 notes:

> An interim regulation may be employed in the early stages of the program, to implement all aspects of the program, including setting of a fingerprint fee, while the normal studies to justify a fee regulation are being conducted.

For these reasons, the Commissioner has determined that delaying the implementation of this rule would be unnecessary and contrary to the public interest, and that there is good cause for dispensing with the requirements of prior notice. However, the Service welcomes public comment on this interim rule and will address those comments prior to the implementation of the final rule.

Regulatory Flexibility Act

The Commissioner of the Immigration and Naturalization Service, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This rule, which provides procedures for the taking and submission of fingerprints under the standards of the new legislation, relates to applicants and petitioners for immigration benefits and does not have a significant adverse effect on small businesses. Any adverse economic impact on DFS entities is necessitated by the new legislation which, as of December 3, 1997, prohibits the Service from accepting fingerprint cards unless prepared by the Service, a registered State and local law enforcement agency, a United States consular office at a United States embassy or consulate, or a United States military installation abroad.

Unfunded Mandates Reform Act of 1995

This rule will not result in the expenditure by State, local and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any one year, and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Small Business Regulatory Enforcement Fairness Act of 1996

This rule is not a major rule as defined by section 804 of the Small Business Regulatory Enforcement Act of 1996. This rule will not result in an annual effect of the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign-based companies in domestic and export markets.

Executive Order 12866

This rule is considered by the Department of Justice, Immigration and Naturalization Service, to be a ''significant regulatory action'' under Executive Order 12866, section 3(f), Regulatory Planning and Review. Accordingly, this rule has been submitted to the Office of Management and Budget for review.

Executive Order 12612

The regulation adopted herein will not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Executive Order 12988 Civil Justice Reform

This interim rule meets the applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988.

List of Subjects

8 CFR Part 103

Administrative practice and procedure, Authority delegations (Government agencies), Reporting and recordkeeping requirements.

8 CFR Part 204

Administrative practice and procedure, Aliens, Employment, Immigration, Petitions.

8 CFR Part 208

Administrative practice and procedure, Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 209

Aliens, Immigration, Refugees.

8 CFR Part 244

Administrative practice and procedure, Aliens.

8 CFR Part 245

Aliens, Immigration, Reporting and recordkeeping requirements.

8 CFR Part 264

Aliens, Registration and fingerprinting, Reporting and recordkeeping requirements.

8 CFR Part 299

Immigration, Reporting and recordkeeping requirements.

8 CFR Part 316

Citizenship and naturalization, Reporting and recordkeeping requirements.

8 CFR Part 332

Citizenship and naturalization, Education, Reporting and recordkeeping requirements.

8 CFR Part 335

Administrative practice and procedure, Authority delegations (Government agencies), Citizenship and naturalization, Reporting and recordkeeping requirements.

Accordingly, chapter I of title 8 of the Code of Federal Regulations is amended as follows:

PART 103—POWERS AND DUTIES OF SERVICE OFFICERS; AVAILABILITY OF SERVICE RECORDS

1. The authority citation for part 103 continues to read as follows:

Authority: 5 U.S.C. 552, 552a; 8 U.S.C. 1101, 1103, 1201, 1252 note, 1252b, 1304, 1356; 31 U.S.C. 9701; E.O. 12356, 47 FR 14874, 15557, 3 CFR, 1982 Comp., p. 166; 8 CFR part 2.

§ 103.1 [Amended]

2. Section 103.1 is amended by:

a. Removing the ''; and'' at the end of paragraph (f)(3)(iii)(MM) and adding a period in its place; and by

b. Removing paragraph (f)(3)(iii)(NN).

3. Section 103.2 is amended by:

a. Revising paragraph (a)(1);

b. Revising paragraph (a)(7);

c. Revising paragraph (b)(9);

d. Revising the heading for paragraph (b)(10);

e. Revising paragraph (b)(10)(i);

f. Revising paragraph (b)(13);

g. Revising paragraph (b)(14); and by

h. Revising paragraph (e), to read as follows:

§ 103.2 Applications, petitions, and other documents.

(a) *Filing.* (1) *General.* Every application, petition, appeal, motion, request, or other document submitted on the form prescribed by this chapter shall be executed and filed in accordance with the instructions on the form, such instructions (including where an application or petition should be filed) being hereby incorporated into the particular section of the regulations in this chapter requiring its submission. The form must be filed with the appropriate filing fee required by § 103.7. Except as exempted by paragraph (e) of this section, forms which require an applicant, petitioner, sponsor, beneficiary, or other individual to complete Form FD–258, Applicant Card, must also be filed with the service fee for fingerprinting, as required by § 103.7(b)(1), for each individual who requires fingerprinting. Filing fees and fingerprinting service fees are non-refundable and, except as otherwise provided in this chapter, must be paid when the application is filed.

* * * * *

(7) *Receipt date.*—(i) *General.* An application or petition received in a Service office shall be stamped to show the time and date of actual receipt and, unless otherwise specified in part 204 or part 245 of this chapter, shall be regarded as properly filed when so stamped, if it is properly signed and executed and the required filing fee is attached or a waiver of the filing fee is granted. An application or petition which is not properly signed or is submitted with the wrong filing fee shall be rejected as improperly filed. Rejected applications and petitions, and ones in which the check or other financial instrument used to pay the filing fee is subsequently returned as non-payable will not retain a filing date. An application or petition taken to a local Service office for the completion of biometric information prior to filing at a Service Center shall be considered received when physically received at a Service Center.

(ii) *Non-payment.* If a check or other financial instrument used to pay a filing fee is subsequently returned as not payable, the remitter shall be notified and requested to pay the filing fee and associated service charge within 14 calendar days, without extension. If the application or petition is pending and these charges are not paid within 14 days, the application or petition shall be rejected as improperly filed. If the application or petition was already approved, and these charges are not paid, the approval shall be automatically revoked because it was improperly field. If the application or petition was already denied, revoked, or abandoned, that decision will not be affected by the non-payment of the filing or fingerprinting fee. New fees will be required with any new application or petition. Any fee and service charges collected as the result of collection activities or legal action on the prior application or petition shall be used to cover the cost of the previous rejection, revocation, or other action.

(b) * * *

(9) *Request for appearance.* An applicant, a petitioner, a sponsor, a beneficiary, or other individual residing in the United States at the time of filing an application or petition may be required to appear for fingerprinting or for an interview. A petitioner shall also be notified when a fingerprinting notice or an interview notice is mailed or issued to a beneficiary, sponsor, or other individual. The applicant, petitioner, sponsor, beneficiary, or other individual may appear as requested by the Service, or prior to the dates and times for fingerprinting or of the date and time of interview:

(i) The individual to be fingerprinted or interviewed may, for good cause, request that the fingerprinting or interview be rescheduled; or

(ii) The applicant or petitioner may withdraw the application or petition.

(10) *Effect of a request for initial or additional evidence for fingerprinting or interview rescheduling*—(i) *Effect on processing.* The priority date of a properly filed petition shall not be affected by a request for missing initial evidence or request for other evidence. If an application or petition is missing required initial evidence, or an applicant, petitioner, sponsor, beneficiary, or other individual who requires fingerprinting requests that the fingerprinting appointment or interview be rescheduled, any time period imposed on Service processing will start over from the date of receipt of the required initial evidence or request for fingerprint or interview rescheduling. If the Service requests that the applicant or petitioner submit additional evidence or respond to other than a request for initial evidence, any time limitation imposed on the Service for processing will be suspended as of the date of request. It will resume at the same point where it stopped when the Service receives the requested evidence or response, or a request for a decision based on the evidence.

* * * * *

(13) *Effect of failure to respond to a request for evidence or appearance.* If all requested initial evidence and requested additional evidence is not submitted by the required date, the application or petition shall be considered abandoned and, accordingly, shall be denied. Except as provided in § 335.6 of this chapter, if an individual requested to appear for fingerprinting or for an interview does not appear, the Service does not receive his or her request for rescheduling by the date of the fingerprinting appointment or interview, or the applicant or petitioner has not withdrawn the application or petition, the application or petition shall be considered abandoned and, accordingly, shall be denied.

(14) *Effect of request for decision.* Where an applicant or petitioner does not submit all requested additional evidence and requests a decision based on the evidence already submitted, a decision shall be issued based on the record. Failure to submit requested evidence which precludes a material line of inquiry shall be grounds for denying the application or petition. Failure to appear for required fingerprinting or for a required interview, or to give required testimony, shall result in the denial of the related application or petition.

* * * * *

(e) *Fingerprinting*—(1) *General.* Service regulations in this chapter, including the instructions to benefit applications and petitions, require certain applicants, petitioners, beneficiaries, sponsors, and other individuals to be fingerprinted on Form

FD–258, Applicant Card, for the purpose of conducting criminal background checks. On and after December 3, 1997, the Service will accept Form FD–258, Applicant Card, only if prepared by a Service office, a registered State or local law enforcement agency designated by a cooperative agreement with the Service to provide fingerprinting services (DLEA), a United States consular office at United States embassies and consulates, or a United States military installation abroad.

(2) *Fingerprinting individuals residing in the United States.* Beginning on December 3, 1997, for naturalization applications, and on March 29, 1998, for all other applications and petitions, applications and petitions for immigration benefits shall be filed as prescribed in this chapter, without completed Form FD–258, Applicant Card. After the filing of an application or petion, the Service will issue a notice to all individuals who require fingerprinting and who are residing in the United States, as defined in section 101(a)(38) of the Act, and request their appearance for fingerprinting at a Service office or other location designated by the Service, to complete Form FD–258, Applicant Card, as prescribed in paragraph (b)(9) of this section.

(3) *Fingerprinting individuals residing abroad.* Individuals who require fingerprinting and whose place of residence is outside of the United States, must submit a properly completed Form FD–258, Applicant Card, at the time of filing the application or petition for immigration benefits. In the case of individuals who reside abroad, a properly completed Form FD–258, Applicant Card, is one prepared by the Service, a United States consular office at a United States embassy or consulate or a United States military installation abroad. If an individual who requires fingerprinting and is residing abroad fails to submit a properly completed Form FD–258, Applicant Card, at the time of filing an application or petition, the Service will issue a notice to the individual requesting submission of a properly completed Form FD–258, Applicant Card. The applicant or petitioner will also be notified of the request for submission of a properly completed Form FD–258, Applicant Card. Failure to submit a properly completed Form FD–258, Applicant Card, in response to such a request within the time allotted in the notice will result in denial of the application or petition for failure to submit a properly completed Form FD–258, Applicant Card. There is no appeal from denial of an application or petition for failure to submit a properly completed Form FD–258, Applicant Card. A motion to re-open an application or petition denied for failure to submit a properly completed Form FD–258, Applicant Card, will be granted only on proof that:

(i) A properly completed Form FD–258, Applicant Card, was submitted at the time of filing the application or petition;

(ii) A properly completed Form FD–258, Applicant Card, was submitted in response to the notice within the time allotted in the notice; or

(iii) The notice was sent to an address other than the address on the application or petition, or the notice of representation, or that the applicant or petitioner notified the Service, in writing, of a change of address or change of representation subsequent to filing and before the notice was sent and the Service's notice was not sent to the new address.

(4) *Submission of service fee for fingerprinting*—(i) *General.* The Service will charge a fee, as prescribed in § 103.7(b)(1), for fingerprinting at a Service office or a registered State or local law enforcement agency designated by a cooperative agreement with the Service to provide fingerprinting services. Applications and petitions for immigration benefits shall be submitted with the service fee for fingerprinting for all individuals who require fingerprinting and who reside in the United States at the time of filing the application or petition.

(ii) *Exemptions*—(A) *Individual residing abroad.* Individuals who require fingerprinting and who reside outside of the United States at the time of filing an application or petition for immigration benefits are exempt from the requirement to submit the service fee for fingerprinting with the application or petition for immigration benefits.

(B) *Asylum applicants.* Asylum applicants are exempt from the requirement to submit the service fee for fingerprinting with the application for asylum.

(iii) *Insufficient service fee for fingerprinting; incorrect fees.* Applications and petitions for immigration benefits received by the Service without the correct service fee for fingerprinting will not be rejected as improperly filed, pursuant to paragraph (a)(7)(i) of this section. However, the application or petition will not continue processing and the Service will not issue a notice requesting appearance for fingerprinting to the individuals who require fingerprinting until the correct service fee for fingerprinting has been submitted. The Service will notify the remitter of the filing fee for the application or petition of the additional amount required for the fingerprinting service fee and request submission of the correct fee. The Service will also notify the applicant or petitioner, and, when appropriate, the applicant or petitioner's representative, as defined in paragraph (a)(3) of this section, of the deficiency. Failure to submit the correct fee for fingerprinting in response to a notice of deficiency within the time allotted in the notice will result in denial of the application or petition for failure to submit the correct service fee for fingerprinting. There is no appeal from the denial of an application or petition for failure to submit the correct service fee for fingerprinting. A motion to re-open an application or petition denied for failure to submit the correct service fee for fingerprinting will be granted only on proof that:

(A) The correct service fee for fingerprinting was submitted at the time of filing the application or petition;

(B) The correct service fee for fingerprinting was submitted in response to the notice of deficiency within the time allotted in the notice; or

(C) The notice of deficiency was sent to an address other than the address on the application or petition, or the notice of representation, or that the applicant or petitioner notified the Service, in writing, of a change of address or change of representation subsequent to filing and before the notice of deficiency was sent and the Service's notice of deficiency was not sent to the new address.

(iv) *Non-payment of service fee for fingerprinting.* If a check or other financial instrument used to pay a service fee for fingerprinting is subsequently returned as not payable, the remitter shall be notified and requested to pay the correct service fee for fingerprinting and any associated service charges within 14 calendar days. The Service will also notify the applicant or petitioner and, when appropriate, the applicant or petitioner's representative as defined in paragraph (a)(3) of this section, of the non-payment and request to pay. If the correct service fee for fingerprinting and associated service charges are not paid within 14 calendar days, the application or petition will be denied for failure to submit the correct service fee for fingerprinting.

4. In § 103.7, paragraph (b)(1) is amended by adding the entry ''For fingerprinting by the Service'' before the entry ''DCL System Costs Fee'' to the listing of fees, to read as follows:

§ 103.7 Fees.

* * * * *

(b) * * *

(1) * * *

* * * * *

For fingerprinting by the Service. A service fee of $25 will be charged by the Service for fingerprinting each applicant, petitioner, sponsor, or other individual who is required to complete Form FD–258 in connection with an application or petition for an immigration benefit (other than asylum) and whose residence is in the United States, as defined in section 101(a)(38) of the Act.

* * * * *

§ 103.7 [Amended]

5. In § 103.7, paragraph (b)(1) is amended by removing the entry for ''Form I–850'' from the listing of fees.

PART 204—IMMIGRANT PETITIONS

6. The authority citation for part 204 is revised to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1151, 1153, 1154, 1182, 1186a, 1255, 1641; 8 CFR part 2.

7. Section 204.3 is amended by:

a. Adding the word ''and'' at the end of paragraph (c)(1)(iii);

b. Removing paragraph (c)(1)(iv);

c. Redesignating paragraph (c)(1)(v) as paragraph (c)(1)(iv);

d. Removing paragraph (c)(1)(vi); and

e. Adding a new paragraph (c)(3), to read as follows:

§ 204.3 Orphans.

* * * * *

(c) * * *

(3) After receipt of a properly filed advanced processing application, the Service will fingerprint each member of the married prospective adoptive couple or the unmarried prospective adoptive parent, as prescribed in § 103.2(e) of this chapter. The Service will also fingerprint each additional adult member of the prospective adoptive parents' household, as prescribed in § 103.2(e) of this chapter. The Service may waive the requirement that each additional adult member of the prospective adoptive parents' household be fingerprinted when it determines that such adult is physically unable to be fingerprinted because of age or medical condition.

* * * * *

8. Section 204.4 is amended by:

a. Removing paragraph (f)(1)(iv); and

b. Revising the second sentence of paragraph (d)(1), to read as follows:

§ 204.4 Amerasian child of a United States citizen.

* * * * *

(d) * * *

(1) * * * If the preliminary processing is completed in a satisfactory manner, the director shall advise the petitioner to submit the documentary evidence required in paragraph (f)(1) of this section and shall fingerprint the sponsor in accordance with § 103.2(e) of this chapter. * * *

* * * * *

PART 208—PROCEDURES FOR ASYLUM AND WITHHOLDING OF REMOVAL

9. The authority citation for part 208 continues to read as follows:

Authority: 8 U.S.C. 1103, 1158, 1226, 1252, 1282; 8 CFR part 2.

10. Section 208.7 is amended by revising paragraph (a)(2), to read as follows:

§ 208.7 Employment authorization.

(a) * * *

(2) The time periods within which the alien may not apply for employment authorization and within which the Service must respond to any such application and within which the asylum application must be adjudicated pursuant to section 208(d)(5)(A)(iii) of the Act shall begin when the alien has filed a complete asylum application in accordance with §§ 208.3 and 208.4. Any delay requested or caused by the applicant shall not be counted as part of these time periods, including delays caused by failure without good cause to follow the requirements for fingerprint processing. Such time periods shall also be extended by the equivalent of the time between issuance of a request for evidence pursuant to § 103.2(b)(8) of this chapter and the receipt of the applicant's response to such request.

* * * * *

11. Section 208.10 is revised to read as follows:

§ 208.10 Failure to appear at an interview before an asylum officer or failure to follow requirements for fingerprint processing.

Failure to appear for a scheduled interview without prior authorization may result in dismissal of the application or waiver of the right to an interview. Failure to comply with fingerprint processing requirements without good cause may result in dismissal of the application or waiver of the right to an adjudication by an asylum officer. Failure to appear shall be excused if the notice of the interview or fingerprint appointment was not mailed to the applicant's current address and such address had been provided to the Office of International Affairs by the applicant prior to the date of mailing in accordance with section 265 of the Act and regulations promulgated thereunder, unless the asylum officer determines that the applicant received reasonable notice of the interview or fingerprinting appointment. Failure to appear at the interview or fingerprint appointment will be excused if the applicant demonstrates that such failure was the result of exceptional circumstances.

12. Section 208.14 is amended by revising paragraph (b)(2), to read as follows:

§ 208.14 Approval, denial, or referral of application.

* * * * *

(b) * * *

(2) If the alien appears to be deportable, excludable or removable under section 240 of the Act, the asylum officer shall either grant asylum or refer the application to an immigration judge for adjudication in deportation, exclusion, or removal proceedings. An asylum officer may refer such an application after an interview conducted in accordance with § 208.9, or if, in accordance with § 208.10, the applicant is deemed to have waived his or her right to an interview or an adjudication by an asylum officer.

* * * * *

PART 209—ADJUSTMENT OF STATUS OF REFUGEES AND ALIENS GRANTED ASYLUM

12. The authority citation for part 209 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1157, 1158, 1159, 1228, 1252, 1282; 8 CFR part 2.

13. Section 209.1 is amended by revising the third sentence of paragraph (b), to read as follows:

§ 209.1 Admission for permanent residence after 1 year.

* * * * *

(b) * * * If the refugee entrant has been physically present in the United States for at least 1 year, Form G–325A, Biographic Information, will be processed, and the refugee entrant shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter. * * *

14. Section 209.2 is amended by removing the second sentence of paragraph (c), and adding two sentences in its place, to read as follows:

§ 209.2 Adjustment of status of alien granted asylum.

* * * * *

(c) * * * A separate application must be filed by each alien. If the alien is 14 years of age or older, the application must be accompanied by a completed Form G–325A, Biographic Information, and the alien shall be fingerprinted on Form FD–258, Applicant Card, as

prescribed in § 103.2(e) of this chapter.
* * *
* * * * *

PART 244—TEMPORARY PROTECTED STATUS FOR NATIONAL OF DESIGNATED STATES

15. The authority citation for part 244 continues to read as follows:

Authority: 8 U.S.C. 1103, 1254, 1254a note, 8 CFR part 2.

16. Section 244.6 is revised to read as follows:

§ 244.6 Application.

An application for Temporary Protected Status shall be made in accordance with § 103.2 of this chapter except as provided herein. Each application must be filed with the filing and fingerprinting fees, as provided in § 103.7 of this chapter, by each individual seeking temporary protected status, except that the filing fee for the Form I–765 will be charged only for those aliens who are nationals of El Salvador, and are between the ages of 14 and 65 (inclusive), and are requesting work authorization. Each application must consist of a completed Form I–821, Application for temporary protected status, Form I–765, Application for Employment Authorization, two identification photographs (1½″ × 1½″), and supporting evidence as provided in § 240.9 of this chapter. Every applicant who is 14 years of age or older shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter.

PART 245—ADJUSTMENT OF STATUS TO THAT OF PERSON ADMITTED FOR PERMANENT RESIDENCE

17. The authority citation for part 245 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 1182, 1255; 8 CFR part 2.

18. Section 245.7 is amended by revising paragraph (a), to read as follows:

§ 245.7 Adjustment of status of certain Soviet and Indochinese parolees under the Foreign Operations Appropriations Act for Fiscal Year 1990 (Pub. L. 101–167).

(a) *Application*. Each person applying for benefits under section 599E of Public Law 101–167 (103 Stat. 1195, 1263) must file Form I–485, Application to Register Permanent Residence or Adjust Status, with the director having jurisdiction over the applicant's place of residence and must pay the appropriate filing and fingerprinting fee, as prescribed in § 103.7 of this chapter. Each application shall be accompanied by Form I–643, Health and Human Services Statistical Data for Refugee/Asylee Adjusting Status, and the results of a medical examination given in accordance with § 245.8. In addition, if the applicant has reached his or her 14th birthday but is not over 79 years of age, the application shall be accompanied by a completed Form G–325A, Biographic Information, and the applicant shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter.
* * * * *

PART 264—REGISTRATION AND FINGERPRINTING OF ALIENS IN THE UNITED STATES

19. The authority citation for part 264 continues to read as follows:

Authority: 8 U.S.C. 1103, 1201, 1201a, 1301–1305.

20. Section 264.2 is amended by:
a. Removing and reserving paragraph (c)(1)(iii);
b. Removing and reserving paragraph (c)(2)(iii);
c. Removing the phrase ‘‘, or his/her fingerprints on Form FD–258’’ from paragraph (c)(3);
d. Redesignating paragraphs (d) through (h) as paragraphs (e) through (i), respectively; and by
e. Adding a new paragraph (d), to read as follows:

§ 264.2 Application for creation of record of permanent residence.

* * * * *

(d) *Fingerprinting.* After filing an application, each applicant 14 years of age or older shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter.
* * * * *

21. Section 264.5 is amended by:
a. Removing paragraph (e)(1)(v);
b. Redesignating paragraphs (e)(3)(i) and (e)(3)(ii) as paragraphs (e)(3)(ii) and (e)(3)(iii);
c. Adding the word ‘‘fingerprinting,’’ immediately after the phrase ‘‘person filing,’’ in newly redesignated paragraph (e)(3)(iii); and by
d. Adding a new paragraph (e)(3)(i), to read as follows:

§ 264.5 Application for a replacement Alien Registration Card.

* * * * *

(e) * * *

(3) * * *

(i) *Fingerprinting.* After filing an I–90 application, each applicant shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter.
* * * * *

PART 299—IMMIGRATION FORMS

2. The authority citation for part 299 continues to read as follows:

Authority: 8 U.S.C. 1101, 1103, 8 CFR part 2.

§ 299.1 [Amended]

23. Section 299.1 is amended in the table by removing the entries for Form ‘‘I–850’’ and ‘‘I–850A’’.

§ 299.5 [Amended]

24. Section 299.5 is amended in the table by removing the entries for Forms ‘‘I–850’’ and ‘‘I–850A’’.

PART 316—GENERAL REQUIREMENTS FOR NATURALIZATION

25. The authority citation for part 316 continues to read as follows:

Authority: 8 U.S.C. 1103, 1181, 1182, 1443, 1447; 8 CFR part 2.

26. Section 316.4 is amended by:
a. Adding the word ‘‘and’’ at the end of paragraph (a)(2);
b. Removing paragraph (a)(3);
c. Redesignating paragraph (a)(4) as paragraph (a)(3);
d. Redesignating paragraph (b) as paragraph (c); and by
e. Adding a new paragraph (b), to read as follows:

§ 316.4 Application; documents.

* * * * *

(b) Each applicant who files Form N–400, Application for Naturalization, shall be fingerprinted on Form FD–258, Applicant Card, as prescribed in § 103.2(e) of this chapter.
* * * * *

PART 332—NATURALIZATION ADMINISTRATION

27. The authority citation for part 332 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1447.

§ 332.2 [Amended]

28. Section 332.2 is amended by:
a. Removing the words ‘‘and fingerprinting’’ from the section heading; and by
b. Removing the phrase ‘‘, fingerprinting services or both’’ from the end of the first sentence.

PART 335—EXAMINATION ON APPLICATION FOR NATURALIZATION

29. The authority citation for part 335 continues to read as follows:

Authority: 8 U.S.C. 1103, 1443, 1147.

30. Section 335.2 is amended by:
a. Redesignating paragraphs (b) through (e) as paragraphs (c) through (f), respectively; and by

b. Adding a new paragraph (b), to read as follows:

§ 335.2 Examination of applicant.

* * * * *

(b) *Completion of criminal background checks before examination.* The Service will notify applicants for naturalization to appear before a Service officer for initial examination on the naturalization application only after the Service has received a definitive response from the Federal Bureau of Investigation that a full criminal background check of an applicant has been completed. A definitive response that a full criminal background check on an applicant has been completed includes:

(1) Confirmation from the Federal Bureau of Investigation that an applicant does not have an administrative or a criminal record;

(2) Confirmation from the Federal Bureau of Investigation that an applicant has an administrative or a criminal record; or

(3) Confirmation from the Federal Bureau of Investigation that two properly prepared fingerprint cards (Form FD–258) have been determined unclassifiable for the purpose of conducting a criminal background check and have been rejected.

* * * * *

Dated: March 10, 1998.

Doris Meissner,

Commissioner, Immigration, and Naturalization Service.

[FR Doc. 98–6828 Filed 3–16–98; 8:45 am]

BILLING CODE 4410–10–M

NUCLEAR REGULATORY COMMISSION

10 CFR Part 9

RIN 3150–AF78

Electronic Freedom of Information Act: Implementation; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Final rule; correction.

SUMMARY: This document corrects a notice appearing in the **Federal Register** on January 20, 1998 (63 FR 2873). This action is necessary to correct miscellaneous errors in the codified text of the final rule.

DATES: Effective February 19, 1998.

FOR FURTHER INFORMATION CONTACT: David L. Meyer, Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration, Washington, D.C. 20555–0001, telephone 301–415–7162, e-mail dlm1@nrc.gov.

1. On page 2878, in the second column, in the first sentence of § 9.21(b), insert a hyphen between ''publicly'' and ''available,'' and in the second line of the introductory text of § 9.21(c), insert a hyphen between ''publicly'' and ''available.''

2. On page 2878, in the third column, in the last line of § 9.21(f), the Internet address is corrected to read ''http://www.nrc.gov/.''

3. On page 2833, in the third column, the section heading for § 9.45 is corrected to read, ''§ 9.45 Annual report to the Attorney General of the United States'', and in the first sentence of § 9.45(b), the '':'' is removed after the word ''as'', and the Internet address is corrected to read ''http://www.nrc.gov/.''

Dated at Rockville, Maryland, this 11th day of March 1998.

For the Nuclear Regulatory Commission.

David L. Meyer,

Chief, Rules and Directives Branch, Division of Administrative Services, Office of Administration.

[FR Doc. 98–6822 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ASW–20]

Revision of Class E Airspace; Eastland, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; Request for comments.

SUMMARY: This amendment revises the Class E airspace at Eastland, TX. The development of a Nondirectional Radio Beacon (NDB) Standard Instrument Approach Procedure (SIAP) and a Global Positioning System (GPS) SIAP to runway (RWY) 35 at Eastland Municipal Airport, Eastland, TX, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Eastland Municipal Airport, Eastland, TX.

DATES: Effective 0901 UTC, June 18, 1998.

Comments must be received on or before May 1, 1998.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 98–ASW–20, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Federal Aviation Administration, Southwest Region, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR Part 71 revises the Class E airspace at Eastland, TX. The development of NDB and GPS SIAP's to RWY 35 at Eastland Municipal Airport, Eastland, TX, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Eastland Municipal Airport, Eastland, TX.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final

rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register**, and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report that summarizes each FAA public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 98–ASW–20. The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism assessment.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR Part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR Part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, *Airspace Designations and Reporting Points*, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005: Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW TX E5 Eastland, TX [Revised]

Eastland Municipal Airport, TX
(lat. 32°24′49″ N., long. 98°48′35″ W.)
Old Rip RBN
(lat. 32°23′55″ N., long. 98°48′37″ W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Eastland Municipal Airport and within 8 miles east and 4 miles west of the 182° bearing from the Old Rip RBN extending from the 6.4-mile radius to 10.4 miles south of the airport.

* * * * *

Issued in Fort Worth, TX, on March 4, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–6814 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–ASW–19]

Revision of Class E Airspace; Gallup, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment revises the Class E airspace at Gallup, NM. The development of a Global Positioning System (GPS) Standard Instrument Approach Procedure (SIAP) to runway (RWY) 6 at Gallup Municipal Airport, Gallup, NM, has made this rule necessary. This action is intended to provide adequate controlled airspace extending from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Gallup Municipal Airport, Gallup, NM.

DATES: Effective 0901 UTC, June 18, 1998.

Comments must be received on or before May 1, 1998.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration Southwest Region, Docket No. 98–ASW–19, Fort Worth, TX 76193–0520.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9:00 AM and 3:00 PM, Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 revises the Class E airspace at Gallup, NM. The development of a GPS SIAP to RWY 6 at Gallup Municipal Airport, Gallup, NM, has made this action necessary. The intended effect of this action is to provide adequate controlled airspace extending from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations at Gallup Municipal Airport, Gallup, NM.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment or written notice of intent to submit such a comment, a document withdrawing the direct final rule will be published in the **Federal Register,** and a notice of proposed rulemaking may be published with a new comment period.

Comments Invited

Although this action is in the form of a final rule and was not preceded by a notice of proposed rulemaking, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended or withdrawn in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of this action and determining whether additional rulemaking action is needed.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date, for comments in the Rules Docket for examination by interested persons. A report that summarizes each FAA public contact concerned with the substance of this action will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: Comments to Docket No. 98–ASW–19. The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, *Airspace Designations and Reporting Points,* dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005: Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ASW NM E5 Gallup, NM [Revised]

Gallup Municipal Airport, NM
(lat. 35°30′40″N., long. 108°47′22″W.)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Gallup Municipal Airport and with 3.8 miles each side of the 250° bearing from the Gallup Municipal Airport extending from the 6.7-mile radius to 12.6 miles southwest of the airport and within 2 miles each side of the 074° bearing from the airport extending from the 6.7-mile radius to 9.1 miles east of the airport and that airspace extending upward from 1200 feet above the surface within an area bounded by a line beginning at lat. 35°47′30″N., long. 108°34′02″W.; to lat. 35°26′50″N., long. 108°34′02″W.; to lat 35°13′15″N., long. 109°06′02″W.; to lat. 35°20′25″N., long. 109°10′42″W.; to lat. 35°52′00″N., long. 108°47′02″W.; to point of beginning excluding that airspace within the New Mexico, NM, Class E airspace area.

* * * * *

Issued in Fort Worth, TX, on March 4, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–6815 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–AAL–11]

Revocation of Class E Airspace; Wrangell, AK, and Petersburg, AK

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E surface area airspace at Wrangell, AK, and Peterburg, AK. Plans to develop Required Navigation Performance (RNP) instrument approach procedures at these airports have been canceled or delayed indefinitely. Consequently, the surface areas at Wrangell Airport and Petersburg James A Johnson Airport are not longer necessary for air traffic operations. This action will result in the affected airspace reverting to Class G.

EFFECTIVE DATE: 0901 Coordinated Universal Time (UTC), April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number: (907) 271–5863; email: Robert.van.Haastert@faa.dot.gov; Internet: http://www.alaska.faa.gov/at or at http://www.mmac.jccbi.gov/aal/at or at http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Background

In May 1996, rulemaking actions were initiated to create surface area airspace at the Wrangell Airport and the Petersburg James A Johnson Airport to support new RNP instrument approach procedures. Alaska Airlines planned to develop RNP approaches to runways 27 and 9 at Wrangell Airport, and for runways 4 and 22 at Petersburg James A Johnson Airport. These new RNP approaches were to be designed with minimums below 700 feet Above Ground Level (AGL). The establishment of surface areas at both airports were requested and the Notice of Proposed Rulemaking (NPRM) was published June 24, 1996 (61 FR 32372). No comments to the NPRM were received and the final rule was published October 16, 1996 (61 FR 53844), establishing new surface areas for Wrangell Airport and Petersburg James A Johnson Airport. After the Juneau Sectional Aeronautical Chart, 37th edition, was published on April 24, 1997, the FAA received one Congressional Inquiry and additional letters of concern and objections to the surface areas at both airports. Letters have been received from Sunrise Aviation INC., Nordic Air, Temsco Helicopters INC., Pacific Wing INC., Taquan Air, and Hawkair Aviation Services LTD objecting to the establishment of these surface areas without an apparent purpose and usage. Alaska Airlines has informed the FAA that their RNP instrument approach development for Wrangell Airport and Petersburg James A Johnson Airport has been delayed and that development of new RNP approaches is not scheduled in the immediate future.

On December 3, 1997, a proposal to amend part 71 of the Federal Aviation Regulations (14 CFR part 71) to revise the Class E airspace at Wrangell, AK, and Petersburg, AK, was published in the **Federal Register** (62 FR 63917). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No negative comments to the proposal were received. Letters confirming their support for this proposal were received from Sunrise Aviation INC., Nordic Air, Temsco Helicopters INC., Pacific Wing INC., Taquan Air, and Hawkair Aviation Services LTD. Thus, the rule is adopted as written.

The Rule

This amendment to part 71 of the Federal Aviation Regulations (14 CFR part 71) revokes the Class E airspace at Wrangell, AK, and Petersburg, AK. The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as surface areas for an airport are published in paragraph 6002 of FAA Order 7400.9E, *Airspace Designations and Reporting Points,* dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designations listed in this document would be removed subsequently from the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, *Airspace Designations and Reporting Points,* dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6002 The Class E airspace areas listed below are designated as a surface area for an airport.

* * * * *

AAL AK E2 Petersburg, AK [Removed]

* * * * *

AAL AK E2 Wrangell, AK [Removed]

* * * * *

Issued in Anchorage, AK, on March 9, 1998.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 98–6820 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–25]

Revision of Class E Airspace; Gallup, NM

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct Final Rule; Withdrawal.

SUMMARY: This action withdraws a Direct Final Rule (DFR) published in the **Federal Register** on December 15, 1997, which revised the Class E airspace at

Gallup, NM. The DFR was to provide adequate controlled airspace extending upward from 700 feet above the surface for Instrument Flight Rules (IFR) operations at Gallup Municipal Airport, Gallup, NM. The description of the airspace in the DFR incorrectly described the airspace necessary to contain aircraft IFR operations at Gallup, NM. Accordingly, the DFR as published, is withdrawn.

DATES: The direct final rule published at 62 FR 65606 is withdrawn on March 17, 1998.

FOR FURTHER INFORMATION CONTACT:

Donald J. Day, System Management Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530 telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: On December 15, 1997 (62 FR 65606), a DFR was published in the **Federal Register** to revise Class E airspace at Gallup, NM. The intended effect of the DFR was to provide adequate controlled airspace extending upward from 700 feet or more above the surface for IFR operations at Gallup Municipal Airport, Gallup, NM. The description of the airspace in the DFR incorrectly described the airspace necessary to contain aircraft IFR operations at Gallup, NM. Accordingly, the DFR published in the **Federal Register** on December 15, 1997 (62 FR 65606) is withdrawn. Since this action only withdraws a DFR, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Direct Final Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 97–ASW–25, as published in the **Federal Register** on December 15, 1997 (62 FR 65606), is withdrawn.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Fort Worth, TX, on March 4, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–6816 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ASW–26]

Revision of Class E Airspace; Eastland, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct Final Rule; Withdrawal.

SUMMARY: This action withdraws the Direct Final Rule (DFR) published in the **Federal Register** on February 12, 1998, which revised Class E airspace at Eastland, TX. The DFR was to provide adequate controlled airspace extending upward from 700 feet above the surface for Instrument Flight Rules (IFR) operations at Eastland Municipal Airport, Eastland, TX. The description of the airspace in the DFR incorrectly described the airspace necessary to contain aircraft IFR operations at Eastland, TX. Accordingly, the DFR as published, is withdrawn.

DATES: The direct final rule published at 63 FR 7063 is withdrawn on March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Federal Aviation Administration, Southwest Region, Fort Worth, TX 76193–0530; telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: On February 12, 1998 (63 FR 7063), a DFR was published in the **Federal Register** to revise Class E airspace at Eastland, TX. The intended effect of the DFR was to provide adequate controlled airspace extending upward from 700 feet or more above the surface for IFR operations at Eastland Municipal Airport, Eastland, TX. The description of the airspace in the DFR incorrectly described the airspace necessary to contain aircraft IFR operations at Eastland Municipal Airport, Eastland, TX. Accordingly, the DFR published in the **Federal Register** on February 12, 1998, is withdrawn. Since this action only withdraws a DFR, it is neither a proposed nor a final rule and therefore is not covered under Executive Order 12866, the Regulatory Flexibility Act, or DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979).

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Withdrawal of Direct Final Rule

Accordingly, pursuant to the authority delegated to me, Airspace Docket No. 97–ASW–26, as published in the **Federal Register** on February 12, 1998 (63 FR 7063), is withdrawn.

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854; 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

Issued in Fort Worth, TX, on March 4, 1998.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 98–6817 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

14 CFR Part 1274

Miscellaneous Revisions to the NASA Grant and Cooperative Agreement Handbook, Section D

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: The NASA Grant and Cooperative Agreement Handbook regulation is published in the Code of Federal Regulations. This is a final rule to amend the Handbook to: require the centers to discuss whether any special provisions might be needed for a cooperative agreement which extends over three years or requires a NASA cash contribution of more than $20M; require that NASA non-cash contributions reflect the total cost of those contributions; require that a NASA Form 1678 be used to designate the NASA Technical Officer on cooperative agreements; require that a new provision be used which summarizes the reports required to be submitted under the cooperative agreement; and miscellaneous changes made to conform to the new FAR Part 15.

EFFECTIVE DATE: March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Thomas L. Deback, NASA, Office of Procurement, Contract Management Division (Code HK), (202) 358–0431.

SUPPLEMENTARY INFORMATION:

Background

The NASA Grant and Cooperative Agreement Handbook is the NASA regulation for awarding and administering grants and cooperative agreements (14 CFR Part 1260). Subpart D provides the policy and text of provisions for cooperative agreements with commercial firms and addresses NASA's authority, definitions, applicability, amendments, publications, deviations, pre-award

requirements and post-award requirements.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paper Reduction Act.

List of Subjects in 14 CFR Part 1274

Grant programs—science and technology.

Tom Luedtke,

Associate Administrator for Procurement.

Accordingly, 14 CFR Part 1274 is amended as follows:

1. The authority citation for 14 CFR Part 1274 continues to read as follows:

Authority: 42 U.S.C 2473(c)(1).

2. In § 1274.105, paragraph (b)(8) is added to read as follows:

§ 1274.105 Approval of Cooperative Agreement Notices (CANs) and cooperative agreements.

* * * * *

(b) * * *

(8) If the term of the cooperative agreement is anticipated to exceed 3 years and/or if the Government cash contribution is expected to exceed $20M, address anticipated changes, if any, to the provisions (see § 1274.202(f)).

* * * * *

3. In § 1274.202, paragraph (c)(6) is amended by adding three sentences at the end of the paragraph, and a new paragraph (f) is added to read as follows:

§ 1274.202 Solicitations and proposals.

* * * * *

(c) * * *

(6) * * * The Government's resource share should fully reflect the total cost of the cash and non-cash contributions. With respect to the non-cash contribution, a fully burdened cost estimate of personnel, facilities, and other expenses should be utilized. It is recognized that this will be an estimate in some cases, but the cost principles in Section 9091–5 of the NASA Financial Management Manual should be adhered to.

* * * * *

(f) The provisions set forth in § 1274.901 are generally considered appropriate for agreements not exceeding 3 years and/or a Government cash contribution not exceeding $20M. For cooperative agreements expected to be longer than 3 years and/or involve a Government cash contribution exceeding $20M, consideration should be given to provisions which place additional restrictions on the recipient in terms of validating performance and accounting for funds expended.

4. In § 1274.204, paragraph (b)(1), the third and last sentences in paragraph (b)(3), and the last sentence in paragraph (d)(2) are revised to read as follows:

§ 1274.204 Evaluation and selection.

* * * * *

(b) * * * (1) Competitive technical proposal information shall be protected in accordance with 48 CFR (FAR) 15.207, Handling proposals and information. Unsolicited proposals shall be protected in accordance with 48 CFR (FAR) 15.608, Prohibitions, and 48 CFR (FAR) 15.609, Limited use of data.

* * * * *

(3) * * * The use of outside evaluators shall be approved in accordance with 48 CFR (NFS) 1815.207–70(b). * * * A cover sheet with the following legend shall be affixed to data provided to outside evaluators:

Government Notice for Handling Proposals

This proposal shall be used and disclosed for evaluation purposes only, and a copy of this Government notice shall be applied to any reproduction or abstract thereof. Any authorized restrictive notices which the submitter places on this proposal shall also be strictly complied with.

* * * * *

(d) * * *

(2) * * * An analysis consistent with 48 CFR (FAR) 15.404–1(c), 15.404–1(c), and 15.404–2 should be performed.

* * * * *

5. In § 1274.301, the following sentence is added at the end of the paragraph to read as follows:

§ 1274.301 Delegation of administration.

* * * NASA Form 1678 will be used to delegate responsibilities to the NASA Technical Officer.

6. In § 1274.901, the second sentence is revised to read as follows:

§ 1274.901 Other provisions and special conditions.

* * * The provisions at §§ 1274.902 through § 1274.909 and the provision at § 1274.933 are to be incorporated in full text substantially as stated in this part.

* * * *

7. Section 1274.933 is added to read as follows:

§ 1274.933 Summary of recipient reporting responsibilities.

Summary of Recipient Reporting Responsibilities (DEC 1997)

This cooperative agreement requires the recipient to submit a number of reports. These reporting requirements are summarized below. In the event of a conflict between this provision and other provisions of the cooperative agreement requiring reporting, the other provisions take precedence.

[The Grants Officer may add/delete reporting requirements as appropriate.]

Report	Frequency	Reference
Report of Joint NASA/Recipient Inventions.	As required	1274.911 Patent Rights (Paragraph (b)(4).
Interim Report of Reportable Items.	Every 12 months	1274.912 Patent Reportable Items Rights—Retention by the Recipient (Large Business) (Paragraph (e)(3)(i)).
Final Report of Reportable Items	3 months after completion	1274.912 Patent Rights—Retention by the Recipient (Large Business) (Paragraph (e)(3)(ii)).
Disclosure of Subject Inventions	Within 2 months after inventor discloses it to Recipient.	1274.912 Patent Rights—Retention by the Recipient (Large Business) (Paragraph (c)(2)) or 1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (c)(1)).
Election of Title Subject Invention	1 year after disclosure of the subject invention if a statutory bar exists, otherwise within 2 years.	1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (c)(2)).
Listing of Subject Inventions	Every 12 months from the date of the agreement	1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (f)(5)(i)).
Subject Inventions Finall Report	Prior to close-out of the agreement	1274.913 Retention by the Recipient (Small Business) (Paragraph (f)(5)(ii)).

[The Grants Officer may add/delete reporting requirements as appropriate.]

Report	Frequency	Reference
Notification of Decision to forego Patent Protection.	30 days expiration of the response period	1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (f)(3)).
Notification of a Subcontract Award.	Promptly upon award of a subcontract	1274.912 Patent Rights—Retention by the Recipient (Large Business) (Paragraph (g)(3)) or 1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (g)(3)).
Utilization of Subject Invention	Annually	1274.913 Patent Rights—Retention by the Recipient (Small Business) (Paragraph (h)).
Notice of Proposed Transfer of Technology.	Prior to transferring technology to foreign firm or institution.	1274.915 Restrictions on Sale or Transfer of Technology to Foreing Firms or Institutions (Paragraph (b)).
Performance Report	60 days prior to the anniversary date of the agreement (except final year).	1274.921 Publications Reports: Non-Proprietary Research Results (Paragraph (d)(1)).
Summary of Research	90 days after completion of agreement	1274.921 Publications and Reports: Non-Proprietary Research Results (Paragraph (d)(2)).
Annual Inventory Report	Annually by October 31	1274.923 Equipment and Other Property (Paragraph (g)).
Final Inventory Report	60 days after expiration date of agreement	1274.923 Equipment and Other Property (Paragraph (g)).

[FR Doc. 98–6675 Filed 3–16–98; 8:45 am]
BILLING CODE 7510–01–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 98–24]

19 CFR Part 101

Customs Service Field Organization; Designation of Kodiak, Alaska, as a Customs Port of Entry

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations pertaining to the field organization of Customs by designating Kodiak, Alaska, as a Customs port of entry and removing its designation as a Customs station. As part of the Treasury and General Government Appropriations Act, 1998 (Pub. L. 105–61 of October 10, 1997), Congress directed the Secretary of the Treasury to establish Kodiak, Alaska, as a port of entry.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, (202) 927–0196.

SUPPLEMENTARY INFORMATION:

Background

Section 123 of the Treasury and General Government Appropriations Act, 1998 (Pub. L. 105–61 of October 10, 1997), provides:

> Notwithstanding any other provision of law, the Secretary of the Treasury shall establish the port of Kodiak, Alaska as a port of entry and United States Customs Service personnel in Anchorage, Alaska shall service such port of entry. There are authorized to be appropriated such sums as necessary to cover the costs associated with the performance of customs functions using such United States Customs Service personnel.

This document amends § 101.3, Customs Regulations (19 CFR 101.3) to establish a port of entry at Kodiak, Alaska, in accordance with the Congressional direction set forth in Pub. L. 105–61. The port of Kodiak, Alaska, will be serviced by United States Customs Service personnel from Anchorage, Alaska. This document also amends § 101.4, Customs Regulations (19 CFR 101.4) to remove the listing of Kodiak as a Customs station with Anchorage as its supervisory port of entry.

Port Limits

The port limits of the port of Kodiak, Alaska, will be the Kodiak city limits.

Regulatory Flexibility Act

Because this document relates to agency management and organization and because this amendment is directed by Congress, this document is not subject to the notice and public procedure requirements of 5 U.S.C. 553. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Executive Order 12866

This document does not meet the criteria for a ''significant regulatory action'' as specified in Executive Order 12866.

Drafting Information: The principal author of this document was Janet L. Johnson. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 101

Customs duties and inspection, Customs ports of entry, Exports, Imports, Organization and functions (Government agencies).

Amendment To The Regulations

Accordingly, part 101 of the Customs Regulations is amended as set forth below.

PART 101—GENERAL PROVISIONS

1. The general authority citation for part 101 and the specific authority citation for § 101.3 continue to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 2, 66, 1202 (General Note 20, Harmonized Tariff Schedule of the United States), 1623, 1624.

Sections 101.3 and 101.4 also issued under 19 U.S.C. 1 and 58b;

* * * * *

§ 101.3 [Amended]

2. Section 101.3(b)(1) is amended by adding, in alphabetical order under the state of Alaska, the listing ''Kodiak'' in the ''Ports of entry'' column and, adjacent to this entry, ''T.D. 98–24'' in the ''Limits of port'' column.

§ 101.4 [Amended]

3. Section 101.4(c) is amended by removing in the list of Customs stations the entry under the State of Alaska for Kodiak.

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: February 26, 1998.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–6879 Filed 3–16–98; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 142

[T.D. 98–25]

RIN 1515–AB27

Publication of Filer Codes

AGENCY: Customs Service, Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to provide for the availability by electronic means of the code assigned by Customs to identify frequent entry filers. This action is expected to assist port authorities, sureties, carriers, customs brokers, bonded warehouse operators, and others involved with import transactions in identifying those who enter merchandise into the United States so that they can expedite their services regarding the importations. It is anticipated that the adoption of this amendment will eliminate paperwork burdens on those involved with import transactions by identifying who is responsible for the specific importation.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: For Operational matters: Angela Downey, Office of Trade Compliance, Office of Field Operations, (202) 927–1082; For Legal matters: Jerry Laderberg, Entry Procedures & Carriers Branch, Office of Regulations and Rulings, (202) 927–2269.

SUPPLEMENTARY INFORMATION:

Background

On January 13, 1993, in a document published in the **Federal Register** (58 FR 4113), Customs announced in an Advanced Notice of Proposed Rulemaking (ANPRM) that it was considering the amendment of the Customs Regulations to provide for the publication of a list of filer codes and the identity of the individuals, companies, licensed customs brokers, or importers assigned the specific filer codes. After analyzing comments received on the ANPRM, on April 22, 1997, Customs published a notice of proposed rulemaking in the **Federal Register** (62 FR 19534) that proposed to amend the Customs Regulations to provide for the availability by electronic means of the code assigned by Customs to identify frequent entry filers. This action was proposed to assist port authorities, sureties, carriers, customs brokers, bonded warehouse operators, and others involved with import transactions in identifying those who enter merchandise into the United States so that they can expedite their services regarding the importations. It was expected that the proposal would eliminate paperwork burdens on those involved with import transactions by identifying the party responsible for the importation of specific merchandise. As the proposal set forth Customs' intention no longer to consider filer codes confidential, it was expected that the proposal, if adopted, would also relieve Customs of the administrative burden of entertaining requests of importers for confidential treatment of their filer codes. The notice proposed to amend § 142.3a of the Customs Regulations (19 CFR 142.3a) by adding a new paragraph that would allow Customs to make available electronically a listing of the filer codes and identifying information regarding the importers, consignees, and customs brokers assigned those codes, and solicited comments concerning this action.

The comment period closed on June 23, 1997. Five comments were received, one from an importer and four from entities involved in the importation, movement, or insurance of imported merchandise. The comments received and Customs' responses are discussed below.

Analysis of Comments

Comment—The customs brokers who commented and the brokers association that commented indicated their approval of the proposal stating that identifying filers with their filer codes would facilitate and expedite the release of goods. It was also suggested that this filer code information be made available on the Customs Internet site.

Customs response—Customs agrees that the publication of the filer code information will facilitate the flow of importations and expedite the release of goods. Customs also agrees that it would be useful for the filer code information to be made available electronically. Accordingly, Customs will make the filer code information available periodically on the Customs Electronic Bulletin Board ((703) 440–6155) and its Internet web site (www.customs.ustreas.gov).

Comment—Two carrier/transportation companies supported the proposal stating that the publication of filer code information will improve notification procedures regarding the arrival of in-bond shipments. Further, it was stated that publication of filer code information would be useful in coordinating the release of all shipments, would facilitate the notification of parties in interest to resolve discrepancies or other problems or questions, and should enhance the efficiency and speed of import transactions.

Customs response—Customs agrees with these expectations, which are consistent with the purpose for the publication of the filer code information.

Comment—The sureties and surety associations stated that they are in favor of the proposal as the publication of the filer code information will be beneficial to the trade community.

Customs response—Again, Customs agrees with this expectation.

Comment—An importer opposed the proposal stating that publication of the filer code information will make proprietary business information known to competitors. The commenter further states that Customs should provide that importers can request confidentiality of this information.

Customs response—As stated in the Notice of Proposed Rulemaking, after a comprehensive review of the operational situation in the commercial environment, Customs has concluded that filer code information is not proprietary and, therefore, not confidential. Information that is proprietary, such as entry-specific information, will continue to enjoy confidential treatment. Because Customs no longer considers the identity of filer code holders proprietary information, Customs believes there is no reason to allow importers to request confidentiality of this information or for Customs to assume the administrative burden of processing such requests.

Conclusion

Having analyzed and discussed the five comments received and upon further consideration of the proposed action, Customs has decided to make the filer code information available electronically on its Internet web site (www.customs.ustreas.gov) and on the Customs Electronic Bulletin Board ((703) 440–6155). Accordingly, that portion of T.D. 88–38 that provides for the confidential treatment of filer code information upon the request of an importer is revoked and § 142.3a of the Customs Regulations is amended to provide for the availability by electronic means of entry filer code information, which will be updated periodically.

Inapplicability of the Regulatory Flexibility Act, and Executive Order 12866

Because this final rule document will confer a benefit on the public by improving access to frequently needed information by the trade industry

without any action being required on its part, pursuant to provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) it is certified that the amendment to the Customs Regulations will not have a significant economic impact on a substantial number of small entities. Accordingly, it is not subject to the regulatory analysis or other requirements of 5 U.S.C. 603 and 604. Further, this document does not meet the criteria for a ''significant regulatory action'' as specified in E.O. 12866.

Drafting Information: The principal author of this document was Gregory R. Vilders, Attorney, Regulations Branch. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 142

Administrative practice and procedure, Confidential business information, Customs duties and inspection, Imports, Reporting and recordkeeping requirements.

Amendment to the Regulations

For the reasons set forth above, part 142 of the Customs Regulations (19 CFR part 142), is amended as set forth below:

PART 142—ENTRY PROCESS

1. The authority citation for part 142 continues to read as follows:

Authority: 19 U.S.C. 66, 1448, 1484, 1624.

2. In § 142.3a, paragraphs (c) and (d) are redesignated as paragraphs (d) and (e), respectively; in the first sentence of newly designated paragraph (e) the reference ''paragraph (c)'' is revised to read ''paragraph (d)''; and a new paragraph (c) is added to read as follows:

§ 142.3a Entry numbers.

* * * * *

(c) *Publication of Entry Filer Codes.* Customs shall make available electronically a listing of filer codes and the importers, consignees, and customs brokers assigned those filer codes. The listing will be updated periodically.

* * * * *

Samuel H. Banks,

Acting Commissioner of Customs.

Approved: February 17, 1998.

John P. Simpson,

Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–6880 Filed 3–16–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 1220

[Docket No. 98N–0135]

Revocation of Regulations Under the Tea Importation Act

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is revoking the regulations under the Tea Importation Act. This action is in response to the passage of the Federal Tea Tasters Repeal Act on April 9, 1996, that repealed the Tea Importation Act of 1897. In addition, the agency is withdrawing the proposed rule that announced the agency's intentions to implement the Tea Importation Act in the wake of the agency's appropriation for fiscal year (FY) 1996, which did not provide funds to operate the Board of Tea Experts. The proposal has been rendered moot by the repeal of the Tea Importation Act.

DATES: The regulation is effective April 17, 1998. Comments by April 16, 1998.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 12430 Parklawn Dr., rm. 1–23, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: Hilario R. Duncan, Center for Food Safety and Applied Nutrition (HFS–24), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–205–8281.

SUPPLEMENTARY INFORMATION: On April 9, 1996, President Clinton signed into law the Federal Tea Tasters Repeal Act of 1996 (Pub. L. 104–128). This act repealed the Tea Importation Act of 1897 (21 U.S.C. 41 *et seq.*), eliminating the Board of Tea Experts and related programs that prohibited the importation of tea that does not meet the standards established by FDA for purity, quality, and fitness for consumption. The regulations implementing the Tea Importation Act of 1897 are codified in part 1220 (21 CFR part 1220).

In view of Congress' repeal of the Tea Importation Act of 1897, the legal authority under which part 1220 was issued, and the elimination of the Board of Tea Experts, the agency has concluded that part 1220 should be revoked. In addition, the agency is withdrawing the proposal published in the **Federal Register** of February 7, 1996 (61 FR 4597). The proposal announced the agency's intentions to implement the Tea Importation Act in the wake of the agency's appropriation for FY 1996, which did not provide funds to operate the Board of Tea Experts. The proposal has been rendered moot by the repeal of the Tea Importation Act.

Therefore, in accordance with the Federal Tea Tasters Repeal Act of 1996, FDA is revoking ''Part 1220—Regulations Under the Tea Importation Act.''

The agency has determined under 21 CFR 25.30(h) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

FDA is revoking part 1220 by final rule without first publishing a general notice of proposed rulemaking. A final regulatory analysis under the Regulatory Flexibility Act (5 U.S.C. 601–612) is, therefore, not required. The agency expects the revocation of part 1220 to reduce the burden on small entities. In addition, FDA has determined that this final rule is not a significant regulatory action for the purposes of Executive Order 12866.

Because FDA is revoking regulations that were issued under legal authority that Congress has repealed, the agency for good cause finds that notice and public procedure on this rule is unnecessary and, therefore, not required under 5 U.S.C. 553. See *Hadson Gas Systems, Inc.* v. *FERC*, 75 F.3d 680 (D.C. Cir. 1996). Under 21 CFR 10.40(e), however, interested persons may, on or before April 16, 1998, submit to the Dockets Management Branch (address above) written comments regarding revocation of this part. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

List of Subjects in 21 CFR Part 1220

Administrative practice and procedure, Customs duties and inspection, Imports, Public health, Tea.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, 21 CFR part 1220 is removed.

PART 1220—REGULATIONS UNDER THE TEA IMPORTATION ACT

Part 1220 [Removed]

1. Part 1220 is removed.

Dated: March 8, 1998.

William K. Hubbard,

Associate Commissioner for Policy Coordination.

[FR Doc. 98–6777 Filed 3–16–98; 8:45 am]

BILLING CODE 4160–01–F

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

48 CFR Parts 1806, 1807, 1816, 1819, and 1837

Revisions to the NASA FAR Supplement on Performance-Based Contracting and Other Miscellaneous Revisions

AGENCY: National Aeronautics and Space Administration (NASA).

ACTION: Final rule.

SUMMARY: This is a final rule amending the NASA FAR Supplement (NFS) to clarify that Performance-Based Contracting (PBC) is the preferred contracting technique for the acquisition of all supplies and services at NASA; provide guidance on the appropriate contract type for PBC requirements; provide common sense guidance as to when positive and negative incentives should not be used; and clarify the use of award fee incentives in conjunction with other contract types. Other miscellaneous revisions are made to conform with recent FAR numbering changes.

EFFECTIVE DATE: March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Kenneth A. Sateriale, NASA, Office of Procurement, Contract Management Division (Code HK), 202) 358–0491.

SUPPLEMENTARY INFORMATION:

Background

Federal Acquisition Circular 97–1 revised FAR 7.105 and added FAR 37.6 to address Performance-Based Service Contracting. These changes obviate the need for similar coverage in the NFS, although coverage is added to clarify that NASA policy on use of PBC is not limited to service contracts. In addition, the following changes are made:

1. New guidance is added regarding the use of incentives in performance-based contracts. Included in this guidance is the addition of new sections discussing the use of a CPAF contract type for PBC requirements and the use of performance incentives. Previous restrictions on the use of CPAF for PBC requirements are deleted.

2. The requirement in 1806.302–470(b) for competition advocate approval of a memorandum justifying not preparing a justification for other than full and open competition pursuant to FAR 6.302–4, International Agreement, is deleted to reflect a statutory change made by section 841(b) of the Defense Authorization Act for Fiscal Year 1998.

3. Miscellaneous editorial changes are made to align the NFS with FAR section titles and numbers.

Impact

NASA certifies that this regulation will not have a significant economic impact on a substantial number of small business entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). This final rule does not impose any reporting or recordkeeping requirements subject to the Paperwork Reduction Act.

List of Subjects in 48 CFR Parts 1806, 1807, 1816, 1819, and 1837

Government procurement.

Tom Luedtke,

Deputy Associate Administrator for Procurement.

Accordingly, 48 CFR Parts 1806, 1807, 1816, 1819, and 1837 are amended as follows:

1. The authority citation for 48 CFR Parts 1806, 1807, 1816, 1819, and 1837 continues to read as follows:

Authority: 42 U.S.C. 2473(c)(1).

PART 1806—COMPETITION REQUIREMENTS

1806.302–470 [Amended]

2. In section 1806.302–470, paragraph (b) is removed, and paragraph (c) is redesignated as paragraph (b).

PART 1807—ACQUISITION PLANNING

1807.105 [Amended]

3. In the introductory text to section 1807.105, the following sentence is added to the end of the paragraph to read as follows:

1807.105 Contents of written acquisition plans.

* * * The requirements in FAR 7.105 regarding performance-based contracting methods shall not be limited to acquisition plans for service contracts.

PART 1816—TYPES OF CONTRACTS

Subpart 1816.1—[Added]

4. Subpart 1816.1 is added to read as follows:

Subpart 1816.1—Selecting Contract Types

1816.104 Factors in selecting contract types.

1816.104–70 Contract type for performance-based contracting (PBC).

(a) PBC is defined in FAR 37.101 and discussed in FAR 37.6. Although FAR part 37 primarily addresses services contracts, PBC is not limited to these contracts. PBC is the preferred way of contracting for all supplies and services at NASA. Generally, when contract performance risk under a PBC specification can be fairly shifted to the contractor to allow for the operation of objective incentives, a contract type with objectively measurable incentives (e.g., FFP, FPIF, or CPIF) is appropriate. However, when contractor performance (e.g., cost control, schedule, or quality/technical) is best evaluated subjectively using quantitative measures, a CPAF contract may be used.

(b) A level-of-effort contract is not PBC.

1816.402, 1816.402–2, 1816.402–70 [Amended]

5. Sections 1816.402 and 1816.402–2 and the first sentence in paragraph (a) to section 1816.402–70 are revised to read as follows:

1816.402 Application of predetermined, formula-type incentives. (NASA paragraphs 1, 2 and 3).

When considering the use of a quality, performance, or schedule incentive, the following guidance applies.

(1) A positive incentive is generally not appropriate unless—

(i) Performance above the target (or minimum, if there are no negative incentives) level is of significant value to the Government;

(ii) The value of the higher level of performance is worth the additional cost/fee;

(iii) The attainment of the higher level of performance is clearly within the control of the contractor; and

(iv) An upper limit is identified, beyond which no further incentive is earned.

(2) A negative incentive is generally not appropriate unless—

(i) A target level of performance can be established, which the contractor can reasonably be expected to reach with a diligent effort, but a lower level of performance is also minimally acceptable;

(ii) The value of the negative incentive is commensurate with the lower level of performance and any additional administrative costs; and

(iii) Factors likely to prevent attainment of the target level of

performance are clearly within the control of the contractor.

(3) When a negative incentive is used, the contract must indicate a level below which performance is not acceptable.

1816.402–2 Performance incentives.

1816.402–270 NASA technical performance incentives.

(a) A performance incentive shall be included in all contracts based on performance-oriented documents (see FAR 11.101(a)) where the primary deliverable(s) is (are) hardware and where total value (including options) is greater than $25 million unless it is determined that the nature of the acquisition (for example, commercial off-the-shelf computers) would not effectively lend itself to a performance incentive. * * *

1816.405–270 [Amended]

6. Section 1816.405–270 is revised to read as follows:

1816.405–270 CPAF contracts.

(a) Use of an award fee incentive shall be approved in writing by the procurement officer. The procurement officer's approval shall include a discussion of the other types of contracts considered and shall indicate why an award fee incentive is the appropriate choice. Award fee incentives should not be used on contracts with a total estimated cost and fee less than $2 million per year. The procurement officer may authorize use of award fee for lower-valued acquisitions, but should do so only in exceptional situations, such as contract requirements having direct health or safety impacts, where the judgmental assessment of the quality of contractor performance is critical.

(b) Except as provided in paragraph (c) of this section, an award fee incentive may be used in conjunction with other contract types for aspects of performance that cannot be objectively assessed. In such cases, the cost incentive is based on objective formulas inherent in the other contract types (e.g., FPI, CPIF), and the award fee provision should not separately incentivize cost performance.

(c) Award fee incentives shall not be used with a cost-plus-fixed-fee (CPFF) contract.

1816.405–274 [Amended]

7. In section 1816.405–274, paragraph (e) is revised to read as follows:

1816.405–274 Award fee evaluation factors.

* * * * *

(e) When an AF arrangement is used in conjunction with another contract type, the award fee's cost control factor will only apply to a subjective assessment of the contractor's efforts to control costs and not the actual cost outcome incentivized under the basic contract type (e.g. CPIF, FPIF).

* * * * *

PART 1819—SMALL BUSINESS PROGRAMS

Subpart 1819.6—[Amended]

8. Section heading ''Subpart 1819.6—Certificates of Competency'' is revised to read ''Subpart 1819.6—Certificates of Competency and Determinations of Responsibility''.

PART 1837—SERVICE CONTRACTING

1837.102, 1837.102–70 [Removed]

9. Sections 1837.102 and 1837.102–70 are removed.

[FR Doc. 98–6674 Filed 3–16–98; 8:45 am]

BILLING CODE 7510–01–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 199

[RSPA Docket PS–128; Amendment 199–15]

RIN 2137–AC84

Drug and Alcohol Testing; Substance Abuse Professional Evaluation for Drug Use

AGENCY: Research and Special Programs Administration, DOT.

ACTION: Final rule.

SUMMARY: In this final rule, the Research and Special Programs Administration (RSPA) modifies current procedures in its drug testing regulations by requiring a face-to-face evaluation by substance abuse professionals (SAP) for pipeline employees who have either received a positive drug test or have refused a drug test required by RSPA. In addition, the SAP could require a pipeline employee to complete a rehabilitation program before being eligible to return to duty. Similar requirements are included in the drug testing regulations of the other modal administrations. Adding these requirements will ensure conformity among the modal administrations which will assist with the overall management of RSPA's drug testing regulations.

DATES: This rule is effective April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Catrina M. Pavlik, Drug/Alcohol Program Analyst, Research and Special Programs Administration, Office of Pipeline Safety, Room 2335, 400 Seventh Street, SW, Washington, DC 20590. Telephone: (202)366–6199, Fax: (202)366–4566, e-mail: catrina.pavlik@RSPA.dot.gov.

SUPPLEMENTARY INFORMATION:

Background

In accordance with 49 U.S.C. 60601 of the pipeline safety law, RSPA administers drug testing regulations for pipeline operators.

On August 20, 1997, RSPA published in the **Federal Register** (62 FR 44250, Docket No. PS–128, Amendment 15) a notice of proposed rulemaking to modify current procedures in its drug testing regulations governing situations in which pipeline employees test positive on a drug test. Because similar requirements are found in the drug testing regulations of the other modal administrations, and in RSPA's alcohol testing regulations, RSPA proposed to make the procedures and policy in those regulations applicable to pipeline operators under the drug testing regulations. RSPA proposed to require pipeline operators to utilize a substance abuse professional (SAP) to evaluate pipeline employees who have either received a positive drug test or have refused a drug test required by RSPA. In addition, the SAP could require an employee to complete a rehabilitation program before being eligible to return to duty, if needed. RSPA also proposed to revise the word ''employee'' to ''covered employee'' and to add the definition for ''covered function.'' Comments to the notice of proposed rulemaking were due on or before October 20, 1997.

Comments Received

RSPA received 10 comments: 6 from pipeline operators, 1 from a trade association and 3 from consortia. The comments fell within the following general categories: (1) Review of Drug Testing Results; (2) Drug Test Required—Return to Duty Testing; (3) SAP Determines Follow-up Testing; (4) Qualification for a SAP; and (5) Other Comments. The comments are addressed based on those categories.

1. Review of Drug Testing Results

The notice of proposed rulemaking proposed that if the Medical Review Officer (MRO) determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result, other than the unauthorized use of prohibited drug(s), the MRO shall verify the test result as positive. If unauthorized use is

found, the MRO shall require that the covered employee who engages in conduct prohibited under Section 199.9, be evaluated face-to-face by a substance abuse professional who shall determine what assistance, if any, the covered employee needs in resolving problems associated with illegal drug use.

All ten commenters supported this portion of the notice of proposed rulemaking. They stated that they were already performing this function for employees that are covered by another operating administration. They also said that conformity among the modes would make administering this program much easier.

RSPA received 2 comments on the continued employment of a covered employee after a positive drug test result or a refusal to test. In addressing the concerns of these commenters, RSPA has decided to change the language so that the MRO, not only must refer the covered employee to a SAP, but must also refer him/her to the personnel or administrative officer for the pipeline operator. This will enable the operator to follow through with internal proceedings that are in accordance with the operator's anti-drug plan.

2. Drug Test Required—Return To Duty Testing

The notice proposed language in Section 199.11(e) which stated that a covered employee who refuses to take or does not pass a drug test may not return to duty in the covered function until the covered employee has been evaluated by a SAP, and has properly followed any prescribed rehabilitation program.

We received 3 comments to review and clarify the language in this section. The first commenter was concerned that the proposed language creates the inference that a covered employee who refuses to take a drug test or who does not pass a drug test has a right to return to work upon evaluation by a SAP. Specifically, the concern was that the wording may have the unintended effect of altering the employer/employee relationship and requiring an employer to provide a rehabilitation opportunity to an employee, with that employee thereafter having a right to return to work for the employer. The second commenter wanted RSPA to clarify that the evaluation conducted by the SAP would be done on a face-to-face basis. The third commenter requested clarification of the ''pass or fail'' language.

RSPA agrees with the three comments and is revising the phrasing of the language in Section 199.11(e) along with the previously mentioned change in Section 199.15(d)(2). This will not alter the existing employer/employee relationship and will not require that the employer provide rehabilitation to an employee. RSPA is also clarifying that the SAP evaluation must be conducted on a face-to-face basis, and has changed the language to use ''positive or negative.''

One comment suggested that the follow-up testing requirements be separated from the return-to-duty requirements. RSPA has modified Section 199.11 to add Follow-Up Testing under a new subsection (f).

3. SAP Determines Follow-up Testing

RSPA received 2 comments requesting clarification of the language on the role of the MRO in relation to the SAP when determining the follow-up testing schedule. After further consideration, RSPA has agreed to remove the consultation requirement between the MRO and the SAP when determining the follow-up testing schedule. The role of determining the follow-up testing schedule will be the sole function of the SAP.

4. Qualifications for a SAP

RSPA received 1 comment requesting specific language on an MRO's ability to serve as a SAP. This change is not necessary because the definition of a SAP, found in 49 CFR Part 40, does not prohibit an MRO from becoming a SAP.

5. Other Comments

RSPA received 2 comments from pipeline operators requesting changes in parts of the regulations that were not covered by the notice of proposed rulemaking, such as, substituting a 72 hour time period for the 60 day time period requirement, eliminating the RSPA option for the pipeline operator to require payment in advance for a retest, and eliminating the RSPA requirement for an MRO to declare a specimen negative that has been determined to be scientifically insufficient.

RSPA received 1 comment requesting clarification on whether a positive pre-employment test result necessitates return-to-duty and follow-up testing. RSPA currently addresses this in Section 199.11(a). It states that no operator may hire or contract any person unless that person passes a drug test or is covered by an anti-drug program that conforms to the requirements of the drug testing regulations.

Advisory Committee Review

The Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) and the Technical Pipeline Safety Standards Committee (TPSSC) met on November 18, 1997, to consider the items discussed in the August 20, 1997, Notice of Proposed Rulemaking, in Docket No. PS–128. (The THLPSSC and TPSSC were established by statute to evaluate the technical feasibility, reasonableness, and practicability of proposed regulations.) The consensus of the THLPSSC and TPSSC was to support the Notice of Proposed Rulemaking.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Regulatory Policies and Procedures

This final rule requires that pipeline employees who either test positive for prohibited drugs or refuse to be tested must be evaluated by a substance abuse professional (SAP) who could require that an employee undergo rehabilitation prior to the employee's return to duty in a covered function. The reason for this rule change is to conform RSPA's drug testing program to its alcohol testing program as well as the drug and alcohol testing programs of all other DOT modes.

RSPA concluded that because all pipeline companies already employ SAPs for their alcohol testing programs it is likely the same professional will be used to perform this same function on the drug testing program. Furthermore, this final rule requires that employees who test positive could be required to undergo rehabilitation before their return to duty. RSPA, however, does not require that the employer pay for this treatment. Many employees may also be terminated or placed in non-covered functions rather than be given the opportunity for treatment. Therefore, the cost of the treatment is not the financial responsibility of the employer. Another factor that was taken into account is that the most recent drug testing results show that only 0.7% of the employees tested positive for drugs. Therefore, the number of employees who would need to be evaluated by a SAP is minimal. Given the fact that pipeline companies already employ or presently contract with SAPs, they are not required to pay for or offer rehabilitation for employees who test positive, and that a minimal number of employees would require evaluation, RSPA believes that this rule will have little to no economic impact on any pipeline company. RSPA finds that this rule is not significant under Section 3(f) of Executive Order 12866 and also not significant under the Regulatory Policies and Procedures of the Department of Transportation.

Executive Order 12612

This final rule would not have substantial direct effect on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of Government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), RSPA has determined that this final rule would not have sufficient federalism implications to warrant preparation of a federalism assessment.

Regulatory Flexibility Act

Because this final rule will impose little to no additional cost on pipeline operators (see discussion on the regulatory evaluation), RSPA certifies under section 605 of the Regulatory Flexibility Act (5 U.S.C.) that this rule will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

There are no new information collection requirements in this rule.

Unfunded Mandates Reform Act of 1995

This final rule does not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. It does not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector, and is the least burdensome alternative that achieves the objective of the rule.

List of Subjects in 49 CFR Part 199

Drug testing, Pipeline safety.

In consideration of the foregoing RSPA amends, 49 CFR part 199 as follows:

PART 199—[AMENDED]

1. The authority citation for part 199 continues to read as follows:

Authority: 49 App. U.S.C. 60101 *et seq.*; 49 CFR 1.53.

2. Section 199.3 is amended by removing the definition of *Employee* and adding new definitions of *Covered employee* and *Covered function* to read as follows:

§ 199.3 Definitions.

* * * * *

Covered employee means a person who performs, on a pipeline or LNG facility, an operations, maintenance, or emergency-response function regulated by part 192, 193, or 195 of this chapter. This does not include clerical, truck driving, accounting, or other functions not subject to part 192, 193, or 195. The person may be employed by the operator, be a contractor engaged by the operator, or be employed by such a contractor.

Covered function means an operations, maintenance, or emergency-response function conducted on the pipeline or LNG facility that is regulated by part 192, 193, or 195.

* * * * *

3. Section 199.11 is amended by revising paragraph (e) and adding paragraph (f) to read as follows:

§ 199.11 Drug tests required.

* * * * *

(e) *Return to duty testing.* A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has had a face-to-face evaluation conducted by a substance abuse professional, and has properly followed any prescribed assistance.

(f) *Follow-up testing.* A covered employee who refuses to take or has a positive drug test shall be subject to unannounced follow-up drug tests administered by the operator following the covered employee's return to duty. The number and frequency of such follow-up testing shall be determined by a substance abuse professional, but shall consist of at least six tests in the first 12 months following the covered employee's return to duty. In addition, follow-up testing may include testing for alcohol as directed by the substance abuse professional, to be performed in accordance with 49 CFR part 40. Follow-up testing shall not exceed 60 months from the date of the covered employee's return to duty. The substance abuse professional may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the substance abuse professional determines that such testing is no longer necessary.

4. Section 199.15 is amended by revising paragraph (d)(2) and adding new paragraphs (e) and (f) to read as follows:

§ 199.15 Review of drug testing results.

* * * * *

(d) * * *

(2) If the MRO determines, after appropriate review, that there is no legitimate medical explanation for the confirmed positive test result other than the unauthorized use of a prohibited drug, the MRO shall refer:

(i) The individual tested to a personnel or administrative office for further proceedings in accordance with the operator's anti-drug plan; and

(ii) For evaluation by a SAP who shall determine what assistance, if any, the employee needs in resolving problems associated with drug misuse.

* * * * *

(e) Evaluation and rehabilitation may be provided by the operator, by a substance abuse professional under contract with the operator, or by a substance abuse professional not affiliated with the operator. The choice of substance abuse professional and assignment of costs shall be made in accordance with the operator/employee agreements and operator/employee policies.

(f) The operator shall ensure that a substance abuse professional, who determines that a covered employee requires assistance in resolving problems with drug abuse, does not refer the covered employee to the substance abuse professional's private practice or to a person or organization from which the substance abuse professional receives remuneration or in which the substance abuse professional has a financial interest. This paragraph does not prohibit a substance abuse professional from referring a covered employee for assistance provided through:

(1) A public agency, such as a State, county, or municipality;

(2) The operator or a person under contract to provide treatment for drug problems on behalf of the operator;

(3) The sole source of therapeutically appropriate treatment under the employee's health insurance program; or

(4) The sole source of therapeutically appropriate treatment reasonably accessible to the employee.

Issued in Washington, DC, on March 11, 1998.

Kelley S. Coyner,

Acting Administrator.

[FR Doc. 98–6859 Filed 3–16–98; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 300

[Docket No. 980225048–8059–02; I.D. 030698A]

RIN 0648–AK58

Pacific Halibut Fisheries; Catch Sharing Plans

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule; annual management measures for Pacific halibut fisheries and approval of catch sharing plans.

SUMMARY: The Assistant Administrator for Fisheries, NOAA (AA), on behalf of the International Pacific Halibut Commission (IPHC), publishes annual management measures promulgated as regulations by the IPHC and approved by the Secretary of State governing the Pacific halibut fishery. The AA also announces the approval of modifications to the Catch Sharing Plan for Area 2A and publishes the implementing regulations for 1998. These actions are intended to enhance the conservation of the Pacific halibut stock in order to help rebuild and sustain it at an adequate level in the northern Pacific Ocean and Bering Sea.

DATES: This final rule is effective March 15, 1998.

ADDRESSES: NMFS Alaska Region, 709 West 9th St., P.O. Box 21668, Juneau, AK 99802–1668; or NMFS Northwest Region, 7600 Sand Point Way NE, Seattle, WA 98115–0070.

FOR FURTHER INFORMATION CONTACT: Joe Scordino, 206–526–6143 or Jay Ginter, 907–586–7228.

SUPPLEMENTARY INFORMATION: The IPHC has promulgated regulations governing the Pacific halibut fishery in 1998, under the Convention between the United States and Canada for the Preservation of the Halibut Fishery of the North Pacific Ocean and Bering Sea (Convention), signed at Ottawa, Ontario, on March 2, 1953, as amended by a Protocol Amending the Convention (signed at Washington, DC, on March 29, 1979). The IPHC regulations have been approved by the Secretary of State of the United States under section 4 of the Northern Pacific Halibut Act (Halibut Act, 16 U.S.C. 773–773k). Pursuant to regulations at 50 CFR 300.62, the approved IPHC regulations setting forth the 1998 IPHC annual management measures are published in the **Federal Register** to provide notice of their effectiveness and to inform persons subject to the regulations of the restrictions and requirements.

The IPHC held its annual meeting on January 26–29, 1998, in Anchorage, Alaska, and adopted regulations for 1998. The substantive changes to the previous IPHC regulations (62 FR 12759, March 18, 1997) include:

1. New catch limits for all areas;

2. Elimination of the IPHC license requirements for halibut charter vessels operating in waters off the coasts of Alaska and British Columbia;

3. Revision of logkeeping requirements for commercial halibut vessels 26 ft (7.9 meter (m)) and longer; and

4. Establishment of opening dates for the Area 2 commercial directed halibut fishery.

In addition, this action implements Catch Sharing Plans (Plans) for regulatory Areas 2A and 4C, 4D, and 4E. These Plans were developed respectively by the Pacific Fishery Management Council (PFMC) and the North Pacific Fishery Management Council (NPFMC) under authority of the Halibut Act. Section 5 of the Halibut Act (16 U.S.C. 773c) provides that the Secretary of Commerce (Secretary) shall have general responsibility to carry out the Convention between the United States and Canada, and that the Secretary shall adopt such regulations as may be necessary to carry out the purposes and objectives of the Convention and the Halibut Act. The Secretary's authority has been delegated to the AA. Section 5 of the Halibut Act (16 U.S.C. 773c(c)) also authorizes the Regional Fishery Management Council having authority for the geographic area concerned to develop regulations governing the Pacific halibut catch in U.S. Convention waters that are in addition to, but not in conflict with, regulations of the IPHC. Pursuant to this authority, NMFS requested the PFMC and NPFMC to allocate halibut catches should such allocation be necessary.

Catch Sharing Plan (CSP) for Area 2A

The PFMC has prepared annual Plans since 1988 to allocate the halibut catch limit for Area 2A among treaty Indian, non-Indian commercial, and non-Indian sport fisheries in and off Washington, Oregon, and California. In 1995, NMFS implemented a Council-recommended, long-term Plan (60 FR 14651, March 20, 1995), which was revised in 1996 (61 FR 11337, March 20, 1996) and 1997 (62 FR 12759, March 18, 1997). The Plan allocates 35 percent of the Area 2A total allowable catch (TAC) to Washington treaty Indian tribes in Subarea 2A–1 and 65 percent to non-Indian fisheries in Area 2A. The allocation to non-Indian fisheries is divided into three shares, with the Washington sport fishery (north of the Columbia River) receiving 36.6 percent, the Oregon/California sport fishery receiving 31.7 percent, and the commercial fishery receiving 31.7 percent. The commercial fishery is further divided into two sectors: A directed (traditional longline) commercial fishery that is allocated 85 percent of the non-Indian commercial harvest, and a salmon troll fishery that is allocated 15 percent for harvests of incidental catches of halibut. The directed commercial fishery in Area 2A is confined to southern Washington (south of 46°53′18″ N. lat.), Oregon and California. The Plan also divides the sport fisheries into seven geographic areas, each with separate allocations, seasons, and bag limits.

For 1998, PFMC recommended changes to the CSP to modify the Pacific halibut sport fisheries in Area 2A in 1998 and beyond, pursuant to recommendations from the Washington Department of Fish and Wildlife (WDFW) and the Oregon Department of Fish and Wildlife (ODFW). The purpose of the changes was to increase sport fishing opportunity for halibut at higher TAC levels, allow sport fishery users to better utilize their allocation, and provide an opportunity for sablefish longline fishermen to retain incidentally caught halibut when the halibut TAC is high. For the Washington sport fisheries, the PFMC recommended changing the CSP such that when the 2A TAC is above 550,000 lb (249.5 mt), the sharing of the Washington sport allocation among the four subareas would change to 32 percent each to the WA Inside Waters, WA North Coast and WA South Coast subareas, and 4 percent to the Columbia River subarea. Further, at TACs in excess of 900,000 lb (408.2 mt), the Council recommended applying the Washington sport share of the TAC above 214,110 lb (97.1 mt), provided a minimum of 10,000 lb (4.5 mt) is available (i.e., the Washington sport allocation is 224,110 lb (101.7 mt) or greater) to incidental catches in the non-Indian commercial fishery for sablefish north of Point Chehalis, WA. For the Oregon sport fisheries, the Council recommended frameworking the opening dates and providing a fixed season for the Oregon South Coast area.

A complete description of the PFMC recommended changes to the CSP, notice of a draft Environmental Assessment and Regulatory Impact Review (EA/RIR), and proposed sport fishery management measures were published in the **Federal Register** on January 26, 1998 (63 FR 3693), with a request for public comments. No public comments were received on the proposed changes to the CSP, except for a statement of support for the changes by the Washington Department of Fish and Wildlife. Also, no comments were received on the EA/RIR. Therefore, NMFS has approved the changes to the CSP as proposed, made a finding of no significant impact on the environment, and finalized the EA/RIR. Copies of the complete CSP for Area 2A as modified and the final EA/RIR are available from the NMFS Northwest Regional Office (see **ADDRESSES**).

In accordance with the CSP, the WDFW and the ODFW held public workshops (after the IPHC set the Area 2A quota) on February 2 and 9, 1998, respectively, to develop recommendations on the opening dates and weekly structure of the sport fisheries. The WDFW and ODFW sent letters to NMFS on February 6 and 17, 1998, respectively, advising on the outcome of the workshop and provided the following comments and recommendations on the opening dates and season structure for the sport fisheries. In addition, NMFS received one public comment on the proposed sport seasons included in the following comment and response section.

Comment: WDFW recommended a May 22 to August 3 season, 5 days per week (closed Tuesday and Wednesday) for the Washington Inside Waters area sport fishery. The recommended number of fishing days is based on analysis of past harvest patterns in this fishery.

Response: NMFS agrees with the calculated number of fishing days necessary to achieve, but not exceed, the subquota for this area. The recommended season has been incorporated in the 1998 sport fishery measures.

Comment: WDFW recommended that the Washington North Coast area sport fishery be structured such that 15,000 lb (6.8 mt) of the subarea quota be reserved to provide for the second priority in the CSP—a July 1 season. The WDFW recommendation is for the sport fishery to open on May 1 and to continue to June 30, or until 81,052 lb (36.7 mt) of the 96,052 lb (43.6 mt) quota are harvested. The fishery would reopen on July 1 and continue 5 days/week (closed Sunday and Monday) until the quota has been taken or until September 30.

Response: NMFS agrees and has incorporated these recommendations into the 1998 sport fishery measures.

Comment: WDFW recommended that the seasonal structure set forth in the CSP be implemented for the sport fisheries in the Washington South Coast and the Columbia River subareas.

Response: NMFS has structured the seasons for these subareas in accordance with the CSP.

Comment: ODFW recommended a 6-day season for the May opening in the Oregon Central Coast and South Coast subareas based on an analysis of past harvest rates which indicated an increasing annual trend in the sport fishery. Sport users at the ODFW workshop recommended a 7-day season based on the 1997 rates of harvest. ODFW did not recommend using the 1997 harvest per day because the annual harvest per day has consistently exceeded the rate from the previous year. One public comment submitted to NMFS recommended a 7-day season.

Response: NMFS has implemented a 6-day fixed season in May for these two subareas. The CSP stipulates that the number of fixed season days established will be based on the projected catch per day with the intent of not exceeding the subarea season subquotas. Based on the increasing annual trend in harvest in these sport fisheries, a 7-day season may result in a catch that exceeds the subquota, and would not be consistent with the CSP.

Comment: ODFW and the public in attendance at the ODFW workshop recommended no additional open days in May-June if unharvested quota remains after the fixed opening days in the Oregon Central Coast subarea. Instead, it was recommended that any unused quota be used in the August fishery, which is a Friday-Saturday fishery. One public comment submitted to NMFS recommended additional fishing on Thursdays in June.

Response: The CSP stipulates that ''If sufficient catch remains for an additional day of fishing after the May season or the August season, openings will be provided if possible in May and August respectively. Potential additional open dates for both the May and August seasons will be announced preseason.'' Further, the CSP stipulates that ''ODFW will monitor landings and provide a post-season estimate of catch within 2 weeks of the end of the fixed season.'' Since a 6-day May season would extend to late May (May 23), additional opening dates in May cannot be set that would provide the necessary 2-week timeframe for ODFW to estimate the catch during the fixed season. Therefore, NMFS agrees with the recommendation to transfer any unused quota to the August fishery.

Comment: ODFW and the public in attendance at the ODFW workshop recommended 4 additional opening days after the May fixed season on June 12, 13, 19, and 20, with a Saturday preference, for the Oregon South Coast subarea.

Response: NMFS has incorporated these dates in the sport fishery management measures.

Comment: ODFW recommended a 1-day fixed season for the August fishery on August 7 based on an analysis of past harvest rates. Sport users at the ODFW workshop recommended a 2-day season on August 7 and 8. ODFW did not recommend a 2-day season because the projected catch would exceed the quota with 2 full days of fishing. ODFW will make a projection in mid-July to determine whether sufficient quota remains to recommend a second day of fishing on August 8.

Response: The August fishery is scheduled for only 1 day on August 7 to ensure that the quota is not exceeded. Inseason action may be taken to allow for an additional all-depth fishing day in accordance with the CSP if sufficient quota remains. If the remaining unharvested quota is insufficient for 1 day of all depth fishing, the CSP stipulates that the fishery will reopen in the area inside 30 fathoms and continue until the quota is taken or September 30, whichever is earlier.

Accordingly, NMFS has implemented sport fishing management measures in Area 2A based on recommendations from the states in accordance with the CSP.

Catch Sharing Plan for Areas 4C, 4D, and 4E

The NPFMC developed a Plan in 1996 for allocating the Area 4 catch limit established by the IPHC among subareas 4A, 4B, 4C, 4D, and 4E. This Plan was approved by NMFS and first implemented in 1996 (61 FR 11337, March 20, 1996). In 1997, the NPFMC recommended changing the Plan. NMFS published a proposed rule in the **Federal Register** (63 FR 1812, January 12, 1998) to implement the NPFMC action to revise the CSP. Public comment on the proposed rule was invited for a 30-day period that ended on February 11, 1998. No comments were received. This final rule contains no changes from the proposed rule. Amendment of the Plan as proposed was approved by NMFS and implemented by this action.

The revised CSP removed Areas 4A and 4B from the CSP, so that catch limits for those areas and a combined Area 4C–4E may be set according to the IPHC's biomass-based methodology. Further, the revised CSP provides for apportioning the combined Area 4C–4E catch limit among Areas 4C, 4D, and 4E as separate catch limits. The revised CSP constitutes a framework to be applied to the combined annual catch limit established by the IPHC for Areas 4C, 4D, and 4E. The purpose of the revised CSP is to provide for the apportionment of catch limits to Areas 4C, 4D, and 4E apart from Areas 4A and 4B. This is necessary to carry out the objectives of the Individual Fishing Quota and Western Alaska Community Development Quota programs, which allocate halibut among U.S. fishermen. The IPHC, consistent with its authority and responsibilities, will implement the measures specified in this CSP beginning in 1998. This revised CSP

will continue in effect until amended by the NPFMC or superseded by action of the IPHC. The 1998 catch limits established by the IPHC for the Areas 4C, 4D, and 4E and published at section 11 of the following regulations are consistent with the Plan.

In addition to revision of the CSP, the proposed rule published January 12, 1998 (63 FR 1812), proposed a regulatory change at 50 CFR 300.63(b). This change is necessary for consistency with the revised CSP implemented by this action. The 30-day public comment period on the proposed rule change ended on February 11, 1998, and no comments were received. Therefore, NMFS is incorporating into this action the final rule implementing the change to 50 CFR 300.63(b) with no change from the proposed rule.

The 1998 Pacific halibut fishery regulations that follow are identical to those recommended by the IPHC and approved by the Secretary of State and include the domestic regulations approved by NMFS that are necessary to implement the CSP in Area 2A.

1998 Pacific Halibut Fishery Regulations

1. Short Title

These regulations may be cited as the Pacific Halibut Fishery Regulations.

2. Interpretation

(1) In these Regulations,

(a) *Authorized officer* means any State, Federal, or Provincial officer authorized to enforce these regulations including, but not limited to, the National Marine Fisheries Service (NMFS), Canada's Department of Fisheries and Oceans (DFO), Alaska Division of Fish and Wildlife Protection (ADFWP), and the United States Coast Guard (USCG);

(b) *Charter vessel* means a vessel used for hire in sport fishing for halibut, but not including a vessel without a hired operator;

(c) *Commercial fishing* means fishing the resulting catch of which either is or is intended to be sold or bartered;

(d) *Commission* means the International Pacific Halibut Commission;

(e) *Daily bag limit* means the maximum number of halibut a person may take in any calendar day from Convention waters;

(f) *Fishing* means the taking, harvesting, or catching of fish, or any activity that can reasonably be expected to result in the taking, harvesting, or catching of fish, including specifically the deployment of any amount or component part of setline gear anywhere in the maritime area;

(g) *Fishing period limit* means the maximum amount of halibut that may be retained and landed by a vessel during one fishing period;

(h) *Land*, with respect to halibut, means the offloading of halibut from the catching vessel;

(i) *License* means a halibut fishing license issued by the Commission pursuant to section 3;

(j) *Maritime area*, in respect of the fisheries jurisdiction of a Contracting Party, includes without distinction areas within and seaward of the territorial sea or internal waters of that Party;

(k) *Operator*, with respect to any vessel, means the owner and/or the master or other individual on board and in charge of that vessel;

(l) *Overall length* of a vessel means the horizontal distance, rounded to the nearest foot, between the foremost part of the stem and the aftermost part of the stern (excluding bowsprits, rudders, outboard motor brackets, and similar fittings or attachments);

(m) *Person* includes an individual, corporation, firm, or association;

(n) *Regulatory area* means an area referred to in section 6;

(o) *Setline gear* means one or more stationary, buoyed, and anchored lines with hooks attached;

(p) *Sport fishing* means all fishing other than commercial fishing and treaty Indian ceremonial and subsistence fishing;

(q) *Tender* means any vessel that buys or obtains fish directly from a catching vessel and transports it to a port of landing or fish processor;

(2) In these Regulations, all bearings are true and all positions are determined by the most recent charts issued by the National Ocean Service or the Canadian Hydrographic Service.

(3) In these Regulations all weights shall be computed on the basis that the heads of the fish are off and their entrails removed.

3. Licensing Vessels

(1) No person shall fish for halibut from a vessel, nor possess halibut on board a vessel, used either for commercial fishing or as a charter vessel in Area 2A unless the Commission has issued a license valid for fishing in Area 2A in respect of that vessel.

(2) A license issued for a vessel operating in Area 2A shall be valid only for operating either as a charter vessel or a commercial vessel, but not both.

(3) A license issued for a vessel operating in the commercial fishery in Area 2A shall be valid only for either the directed commercial fishery during the fishing periods specified in paragraph (2) of section 8 or the incidental catch fishery during the salmon troll fishery specified in paragraph (3) of section 8, but not both.

(4) A license issued in respect of a vessel referred to in paragraph (1) must be carried on board that vessel at all times and the vessel operator shall permit its inspection by any authorized officer.

(5) The Commission shall issue a license in respect of a vessel, without fee from its office in Seattle, Washington, upon receipt of a completed, written, and signed ''Application for Vessel License for the Halibut Fishery'' form.

(6) A vessel operating in the directed commercial fishery in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 P.M. on April 30, or on the first weekday in May if April 30 is a Saturday or Sunday.

(7) A vessel operating in the incidental commercial fishery during the salmon troll season in Area 2A must have its ''Application for Vessel License for the Halibut Fishery'' form postmarked no later than 11:59 P.M. on March 31, or the first weekday in April if March 31 is a Saturday or Sunday.

(8) Application forms may be obtained from any authorized officer or from the Commission.

(9) Information on ''Application for Vessel License for the Halibut Fishery'' form must be accurate.

(10) The ''Application for Vessel License for the Halibut Fishery'' form shall be completed and signed by the vessel owner.

(11) Licenses issued under this section shall be valid only during the year in which they are issued.

(12) A new license is required for a vessel that is sold, transferred, renamed, or re-documented.

(13) The license required under this section is in addition to any license, however designated, that is required under the laws of the United States or any of its States.

(14) The United States may suspend, revoke, or modify any license issued under this section under policies and procedures in Title 15, Code of Federal regulations, part 904.

4. Inseason Actions

(1) The Commission is authorized to establish or modify regulations during the season after determining that such action:

(a) Will not result in exceeding the catch limit established preseason for each regulatory area;

(b) Is consistent with the Convention between the United States of America and Canada for the Preservation of the Halibut Fishery of the Northern Pacific Ocean and Bering Sea, and applicable domestic law of either Canada or the United States; and

(c) Is consistent, to the maximum extent practicable, with any domestic catch sharing plans developed by the United States or Canadian governments.

(2) Inseason actions may include, but are not limited to, establishment or modification of the following:

(a) Closed areas;
(b) Fishing periods;
(c) Fishing period limits;
(d) Gear restrictions;
(e) Sport bag limits;
(f) Size limits; or
(g) Vessel clearances.

(3) Inseason changes will be effective at the time and date specified by the Commission.

(4) The Commission will announce inseason actions under this section by providing notice to major halibut processors; Federal, State, United States treaty Indian, and Provincial fishery officials; and the media.

5. Application

(1) These Regulations apply to persons and vessels fishing for halibut in, or possessing halibut taken from, waters off the west coast of Canada and the United States, including the southern as well as the western coasts of Alaska, within the respective maritime areas in which each of those countries exercises exclusive fisheries jurisdiction as of March 29, 1979.

(2) Sections 6 to 21 apply to commercial fishing for halibut.

(3) Section 7 applies to the Western Alaska Community Development Quota (CDQ) fishery in Area 4E.

(4) Section 22 applies to the United States treaty Indian tribal fishery in Area 2A–1.

(5) Section 23 applies to sport fishing for halibut.

(6) These Regulations do not apply to fishing operations authorized or conducted by the Commission for research purposes.

6. Regulatory Areas

The following areas shall be regulatory areas for the purposes of the Convention:

(1) Area 2A includes all waters off the states of California, Oregon, and Washington;

(2) Area 2B includes all waters off British Columbia;

(3) Area 2C includes all waters off Alaska that are east of a line running 340° true from Cape Spencer Light (58°11′57″ N. lat., 136°38′18″ W. long.) and south and east of a line running 205° true from said light;

(4) Area 3A includes all waters between Area 2C and a line extending from the most northerly point on Cape Aklek (57°41′15″ N. lat., 155°35′00″ W. long.) to Cape Ikolik (57°41′17″ N. lat., 154°47′18″ W. long.), then along the Kodiak Island coastline to Cape Trinity (56°44′50″ N. lat., 154°08′44″ W. long.), then 140° true;

(5) Area 3B includes all waters between Area 3A and a line extending 150° true from Cape Lutke (54°29′00″ N. lat., 164°20′00″ W. long.) and south of 54°49′00″ N. lat. in Isanotski Strait;

(6) Area 4A includes all waters in the Gulf of Alaska west of Area 3B and in the Bering Sea west of the closed area defined in section 10 that are east of 172°00′00″ W. long. and south of 56°20′00″ N. lat.;

(7) Area 4B includes all waters in the Bering Sea and the Gulf of Alaska west of Area 4A and south of 56°20′00″ N. lat.;

(8) Area 4C includes all waters in the Bering Sea north of Area 4A and north of the closed area defined in section 10 which are east of 171°00′00″ W. long., south of 58°00′00″ N. lat., and west of 168°00′00″ W. long.;

(9) Area 4D includes all waters in the Bering Sea north of Areas 4A and 4B, north and west of Area 4C, and west of 168°00′00″ W. long.;

(10) Area 4E includes all waters in the Bering Sea north and east of the closed area defined in section 10, east of 168°00′00″ W. long., and south of 65°34′00″ N. lat.

7. Fishing in Regulatory Area 4E

(1) A person may retain halibut taken with setline gear in the Area 4E CDQ fishery that are smaller than the size limit specified in Section 13, provided that no person may sell or barter such halibut.

(2) Section 7 shall be effective until December 31, 1999.

8. Fishing Periods

(1) The fishing periods for each regulatory area apply where the catch limits specified in section 10 have not been taken.

(2) Each fishing period in the Area 2A directed fishery south of 46°53′18″ N. lat. shall begin at 0800 hours and terminate at 1800 hours local time on July 22, August 19, August 26, September 9, and September 23, unless the Commission specifies otherwise.

(3) Notwithstanding paragraph (2), and paragraph (7) of section 11, an incidental catch fishery is authorized during salmon troll seasons in Area 2A. Vessels participating in the salmon troll fishery in Area 2A may retain halibut caught incidentally during authorized periods, in conformance with the annual salmon management measures announced in the **Federal Register**. The notice also will specify the ratio of halibut to salmon that may be retained during this fishery.

(4) The fishing period in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall begin at 1200 hours local time on March 15 and terminate at 1200 hours local time on November 15, unless the Commission specifies otherwise.

(5) All commercial fishing for halibut in Areas 2A, 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E shall cease at 1200 hours local time on November 15.

9. Closed Periods

(1) No person shall engage in fishing for halibut in any regulatory area other than during the fishing periods set out in section 8 in respect of that area.

(2) No person shall land or otherwise retain halibut caught outside a fishing period applicable to the regulatory area where the halibut was taken.

(3) Subject to paragraphs (7), (8), (9), and (10) of section 19, these Regulations do not prohibit fishing for any species of fish other than halibut during the closed periods.

(4) Notwithstanding paragraph (3), no person shall have halibut in his/her possession while fishing for any other species of fish during the closed periods.

(5) No vessel shall retrieve any halibut fishing gear during a closed period if the vessel has any halibut on board.

(6) A vessel that has no halibut on board may retrieve any halibut fishing gear during the closed period after the operator notifies an authorized officer or representative of the Commission prior to that retrieval.

(7) After retrieval of halibut gear in accordance with paragraph (6), the vessel shall submit to a hold inspection at the discretion of the authorized officer or representative of the Commission.

(8) No person shall retain any halibut caught on gear retrieved under paragraph (6).

(9) No person shall possess halibut aboard a vessel in a regulatory area during a closed period unless that vessel is in continuous transit to or within a port in which that halibut may be lawfully sold.

10. Closed Area

(1) All waters in the Bering Sea north of 55°00′00″ N. lat. in Isanotski Strait that are enclosed by a line from Cape Sarichef Light (54°36′00″ N. lat., 164°55′42″ W. long.) to a point at 56°20′00″ N. lat., 168°30′00″ W. long.; thence to a point at 58°21′25″ N. lat., 163°00′00″ W. long.; thence to Strogonof Point (56°53′18″ N. lat., 158°50′37″ W. long.); and then along the northern coasts of the Alaska Peninsula and Unimak Island to the point of origin at Cape Sarichef Light are closed to halibut fishing and no person shall fish for halibut therein or have halibut in his/her possession while in those waters except in the course of a continuous transit across those waters. All waters in Isanotski Strait between 55°00′00″ N. lat. and 54°49′00″ N. lat. are closed to commercial halibut fishing.

(2) In Area 2A, all waters north of Point Chehalis, WA (46°53′18″ N. lat.) are closed to the directed commercial halibut fishery.

11. Catch Limits

(1) The total allowable catch of halibut to be taken during the halibut fishing periods specified in section 8 shall be limited to the weight expressed in pounds or metric tons (mt) shown in the following table:

Catch limits	Regulatory area	
	Pounds	Metric tons
2A	168,961	76.6
2B	13,000,000	5,895.7
2C	10,500,000	4,761.9
3A	26,000,000	11,791.4
3B	11,000,000	4,988.7
4A	3,500,000	1,587.3
4B	3,500,000	1,587.3
4C	1,590,000	721.1
4D	1,590,000	721.1
4E	320,000	145.1

(2) Notwithstanding paragraph (1) of this section, the catch limit in Area 2A shall be divided between a directed halibut fishery to operate south of 46°53′18″ N. lat. during the fishing periods set out in paragraph 2 of Section 8 and an incidental halibut catch fishery during the salmon troll fishery in Area 2A described in paragraph 3 of Section 8. Inseason actions to transfer catch between these fisheries may occur in conformance with the Catch Sharing Plan for Area 2A.

(a) The catch limit in the directed halibut fishery is 143,617 lb (65.1 mt).

(b) The catch limit in the incidental catch fishery during the salmon troll fishery is 25,344 lb (11.5 mt).

(3) The Commission shall determine and announce to the public the date on which the catch limit for Area 2A will be taken and the specific dates during which the directed fishery will be allowed in Area 2A.

(4) Notwithstanding paragraph (1), Area 2B will close only when all Individual Vessel Quotas assigned by Canada's Department of Fisheries and Oceans are taken, or November 15, whichever is earlier.

(5) Notwithstanding paragraph (1), Areas 2C, 3A, 3B, 4A, 4B, 4C, 4D, and 4E will close only when all Individual Fishing Quotas and all Community Development Quotas issued by the National Marine Fisheries Service have been taken, or November 15, whichever is earlier.

(6) If the Commission determines that the catch limit specified for Area 2A in paragraph (1) would be exceeded in an unrestricted 10-hour fishing period as specified in paragraph (2) of section 8, the catch limit for that area shall be considered to have been taken unless fishing period limits are implemented.

(7) When under paragraphs (2), (3) or (6) the Commission has announced a date on

which the catch limit for Area 2A will be taken, no person shall fish for halibut in that area after that date for the rest of the year, unless the Commission has announced the reopening of that area for halibut fishing.

12. Fishing Period Limits

(1) It shall be unlawful for any vessel to retain more halibut than authorized by that vessel's license in any fishing period for which the Commission has announced a fishing period limit.

(2) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut to a commercial fish processor, completely offload all halibut on board said vessel to that processor and ensure that all halibut is weighed and reported on State fish tickets.

(3) The operator of any vessel that fishes for halibut during a fishing period when fishing period limits are in effect must, upon commencing an offload of halibut other than to a commercial fish processor, completely offload all halibut on board said vessel and ensure that all halibut are weighed and reported on State fish tickets.

(4) The provisions of paragraph (3) are not intended to prevent retail over-the-side sales to individual purchasers so long as all the halibut on board is ultimately offloaded and reported.

(5) When fishing period limits are in effect, a vessel's maximum retainable catch will be determined by the Commission based on:

(a) The vessel's overall length in feet and associated length class;

(b) The average performance of all vessels within that class; and

(c) The remaining catch limit.

(6) Length classes are shown in the following table:

Overall length	Vessel class
1–25	A
26–30	B
31–35	C
36–40	D
41–45	E
46–50	F
51–55	G
56+	H

(7) Fishing period limits in Area 2A apply only to the directed halibut fishery referred to in paragraph (2) of section 8.

13. Size Limits

(1) No person shall take or possess any halibut that:

(a) With the head on, is less than 32 inches (81.3 cm) as measured in a straight line, passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail, as illustrated in Figure 2; or

(b) With the head removed, is less than 24 inches (61.0 cm) as measured from the base of the pectoral fin at its most anterior point to the extreme end of the middle of the tail, as illustrated in Figure 2.

(2) No person shall possess on board a vessel a halibut that has been mutilated, or otherwise disfigured in any manner that prevents the determination of whether the halibut complies with the size limits specified in this section, except that:

(a) This paragraph shall not prohibit the possession on board a vessel of halibut cheeks cut from halibut caught by persons authorized to process the halibut on board in accordance with NMFS regulations published at Title 50, Code of Federal regulations, part 679; and

(b) No person shall possess a filleted halibut on board a vessel.

(3) No person on board a vessel fishing for, or tendering, halibut caught in Area 2A shall possess any halibut that has had its head removed.

14. Careful Release of Halibut

All halibut that are caught and are not retained shall be immediately released and returned to the sea with a minimum of injury by

(a) Hook straightening outboard of the roller;

(b) Cutting the gangion near the hook; or

(c) Carefully removing the hook by twisting it from the halibut with a gaff.

15. Vessel Clearance in Area 4

(1) The operator of any vessel that fishes for halibut in Areas 4A, 4B, 4C, or 4D must obtain a vessel clearance before fishing in any of these areas, and before the unloading of any halibut caught in any of these areas, unless specifically exempted in paragraphs (9), (12), (13), (14), or (15).

(2) The vessel clearance required under paragraph (1) prior to fishing in Area 4A may be obtained only at Dutch Harbor or Akutan, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(3) The vessel clearance required under paragraph (1) prior to fishing in Area 4B may only be obtained at Nazan Bay on Atka Island, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(4) The vessel clearance required under paragraph (1) prior to fishing in Area 4C or 4D may be obtained only at St. Paul or St. George, Alaska, from an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(5) The vessel operator shall specify the specific regulatory area in which fishing will take place.

(6) Before unloading any halibut caught in Area 4A, a vessel operator may obtain the clearance required under paragraph (1) only in Dutch Harbor or Akutan, Alaska, by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor.

(7) Before unloading any halibut caught in Area 4B, a vessel operator may obtain the clearance required under paragraph (1) only in Nazan Bay on Atka Island, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(8) Before unloading any halibut caught in Area 4C or 4D, a vessel operator may obtain the clearance required under paragraph (1) only in St. Paul, St. George, Dutch Harbor, or Akutan, Alaska, either in person or by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearances obtained in St. Paul or St. George, Alaska, can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(9) Any vessel operator who complies with the requirements in Section 18 for possessing halibut on board a vessel that was caught in more than one regulatory area in Area 4 is exempt from the clearance requirements of paragraph (1) of this section, but must comply with the following requirements:

(a) The operator of the vessel must obtain a vessel clearance prior to fishing in Area 4 in either Dutch Harbor, Akutan, St. Paul, St. George, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel. This clearance will list the Areas in which the vessel will fish; and

(b) Before unloading any halibut from Area 4, the vessel operator must obtain a vessel clearance from Dutch Harbor, Akutan, St. Paul, St. George, or Nazan Bay on Atka Island by contacting an authorized officer of the United States, a representative of the Commission, or a designated fish processor. The clearance obtained in St. Paul, St. George, or Nazan Bay on Atka Island can be obtained by VHF radio and allowing the person contacted to confirm visually the identity of the vessel.

(10) Vessel clearances shall be obtained between 0600 and 1800 hours, local time.

(11) No halibut shall be on board the vessel at the time of the clearances required prior to fishing in Area 4.

(12) Any vessel that is used to fish for halibut only in Area 4A and lands its total annual halibut catch at a port within Area 4A is exempt from the clearance requirements of paragraph (1).

(13) Any vessel that is used to fish for halibut only in Area 4B and lands its total annual halibut catch at a port within Area 4B is exempt from the clearance requirements of paragraph (1).

(14) Any vessel that is used to fish for halibut only in Area 4C and lands its total annual halibut catch at a port within Area 4C is exempt from the clearance requirements of paragraph (1).

(15) Any vessel that is used to fish for halibut only in Areas 4D and 4E and lands its total annual halibut catch at a port within Areas 4D, 4E, or the closed area defined in section 10, is exempt from the clearance requirements of paragraph (1).

16. Logs

(1) The operator of any U.S. vessel that has an overall length of 26 feet (7.9 meters) or

greater shall keep an accurate log of all halibut fishing operations including the date, locality, amount of gear used, and total weight of halibut taken daily in each locality. The log information must be recorded in the groundfish daily fishing logbook provided by NMFS, or Alaska hook-and-line logbook provided by Petersburg Vessels Owner Association or Alaska Longline Fishermen's Association, or the logbook provided by IPHC.

(2) The log referred to in paragraph (1) shall be

(a) Maintained on board the vessel;

(b) Updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing period;

(c) Retained for a period of two years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand; and

(e) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and for 5 days following offloading halibut.

(3) The log referred to in paragraph (1) does not apply to the incidental halibut fishery in Area 2A defined in paragraph (3) of section 8.

(4) The operator of any Canadian vessel shall keep an accurate log of all halibut fishing operations including the date, locality, amount of gear used, and total weight of halibut taken daily in each locality. The log information must be recorded in the British Columbia Halibut Fishery logbook provide by the Department of Fisheries and Oceans (DFO).

(5) The log referred to in paragraph (4) shall be:

(a) Maintained on board the vessel;

(b) Updated not later than 24 hours after midnight local time for each day fished and prior to the offloading or sale of halibut taken during that fishing period;

(c) Retained for a period of 2 years by the owner or operator of the vessel;

(d) Open to inspection by an authorized officer or any authorized representative of the Commission upon demand;

(e) Kept on board the vessel when engaged in halibut fishing, during transits to port of landing, and for 5 days following offloading halibut; and

(f) Within 7 days of offloading the yellow copy be mailed to the DFO and the white copy be mailed to IPHC.

(6) The poundage of any halibut that is not sold, but is utilized by the vessel operator, his/her crew members, or any other person for personal use, shall be recorded in the vessel's log within 24-hours of offloading.

(7) No person shall make a false entry in a log referred to in this section.

17. Receipt and Possession of Halibut

(1) No person shall receive halibut from a United States vessel that does not have on board the license required by section 3.

(2) No person shall offload halibut from a vessel unless the gills and entrails have been removed prior to offloading.

(3) A commercial fish processor in the United States who purchases or receives halibut directly from the owner or operator of a vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on State fish tickets or Federal catch reports the date, locality, name of vessel, Halibut Commission license number (for Area 2A), the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased; pounds in excess of IFQs, IVQs, or fishing period limits; pounds retained for personal use; and pounds discarded as unfit for human consumption.

(4) The master or operator of a Canadian vessel that was engaged in halibut fishing must weigh and record all halibut on board said vessel at the time offloading commences and record on State fish tickets or Federal catch reports the date, locality, name of vessel, the name(s) of the person(s) from whom the halibut was purchased; and the scale weight obtained at the time of offloading of all halibut on board the vessel including the pounds purchased; pounds in excess of IVQs; pounds retained for personal use; and pounds discarded as unfit for human consumption.

(5) No person shall make a false entry on a State fish ticket or a Federal catch or landing report referred to in paragraph (3) and (4).

(6) A copy of the fish tickets or catch reports referred to in paragraph (3) and (4) shall be:

(a) Retained by the person making them for a period of three years from the date the fish tickets or catch reports are made; and

(b) Open to inspection by an authorized officer or any authorized representative of the Commission.

(7) No person shall possess any halibut that he/she knows to have been taken in contravention of these Regulations.

(8) When halibut are delivered to other than a commercial fish processor the records required by paragraph (3) shall be maintained by the operator of the vessel from which that halibut was caught, in compliance with paragraph (6).

(9) It shall be unlawful to enter a Halibut Commission license number on a State fish ticket for any vessel other than the vessel actually used in catching the halibut reported thereon.

18. Fishing Multiple Regulatory Areas

(1) Except as provided in this section, no person shall possess at the same time on board a vessel halibut caught in more than one regulatory area.

(2) Halibut caught in Regulatory Areas 2C, 3A, and 3B may be possessed on board a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer on board when required by NMFS regulations published at Title 50, Code of Federal Regulations, section 679.7(f)(4); and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(3) Halibut caught in Regulatory Areas 4A, 4B, 4C, and 4D may be possessed on board a vessel at the same time providing the operator of the vessel:

(a) Has a NMFS-certified observer on board the vessel when halibut caught in different regulatory areas are on board; and

(b) Can identify the regulatory area in which each halibut on board was caught by separating halibut from different areas in the hold, tagging halibut, or by other means.

(4) Halibut caught in Regulatory Areas 4A, 4B, 4C, and 4D may be possessed on board a vessel when in compliance with paragraph (3) and if halibut from Area 4 are on board the vessel, the vessel can have halibut caught in Regulatory Areas 2C, 3A, and 3B on board if in compliance with paragraph (2).

19. Fishing Gear

(1) No person shall fish for halibut using any gear other than hook and line gear.

(2) No person shall possess halibut taken with any gear other than hook and line gear.

(3) No person shall possess halibut while on board a vessel carrying any trawl nets or fishing pots capable of catching halibut.

(4) All setline or skate marker buoys carried on board or used by any United States vessel used for halibut fishing shall be marked with one of the following:

(a) The vessel's name;

(b) The vessel's state license number; or

(c) The vessel's registration number.

(5) The markings specified in paragraph (4) shall be in characters at least 4 inches in height and one-half inch in width in a contrasting color visible above the water and shall be maintained in legible condition.

(6) All setline or skate marker buoys carried on board or used by a Canadian vessel used for halibut fishing shall be:

(a) Floating and visible on the surface of the water; and

(b) Legibly marked with the identification plate number of the vessel engaged in commercial fishing from which that setline is being operated.

(7) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period shall catch or possess halibut anywhere in those waters during that halibut fishing period.

(8) No vessel from which setline gear was used to fish for any species of fish anywhere in Area 2A during the 72-hour period immediately before the opening of a halibut fishing period may be used to catch or possess halibut anywhere in those waters during that halibut fishing period.

(9) No person on board a vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or 4E during the 72-hour period immediately before the opening of the halibut fishing season shall catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(10) No vessel from which setline gear was used to fish for any species of fish anywhere in Areas 2B, 2C, 3A, 3B, 4A, 4B, 4C, 4D, or

4E during the 72-hour period immediately before the opening of the halibut fishing season may be used to catch or possess halibut anywhere in those areas until the vessel has removed all of its setline gear from the water and has either:

(a) Made a landing and completely offloaded its entire catch of other fish; or

(b) Submitted to a hold inspection by an authorized officer.

(11) Notwithstanding any other provision in these regulations, a person may retain and possess, but not sell or barter halibut taken with trawl gear only as authorized by NMFS' Prohibited Species Donation regulations.

20. Retention of Tagged Halibut

(1) Nothing contained in these Regulations prohibits any vessel at any time from retaining and landing a halibut that bears a Commission tag at the time of capture, if the halibut with the tag still attached is reported at the time of landing and made available for examination by a representative of the Commission or by an authorized officer.

(2) After examination and removal of the tag by a representative of the Commission or an authorized officer, the halibut

(a) May be retained for personal use; or

(b) May be sold if it complies with the provisions of section 13, Size Limits.

21. Supervision of Unloading and Weighing

The unloading and weighing of halibut may be subject to the supervision of authorized officers to assure the fulfillment of the provisions of these Regulations.

22. Fishing by United States Treaty Indian Tribes

(1) Halibut fishing in subarea 2A–1 by members of United States treaty Indian tribes located in the State of Washington shall be regulated under regulations promulgated by NMFS and published in the **Federal Register**.

(2) Subarea 2A–1 includes all waters off the coast of Washington that are north of 46°53′18″ N. lat. and east of 125°44′00″ W. long., and all inland marine waters of Washington.

(3) Commercial fishing for halibut in subarea 2A–1 is permitted with hook and line gear from March 15 through November 15, or until 272,000 lb (123.4 mt) is taken, whichever occurs first.

(4) Ceremonial and subsistence fishing for halibut in subarea 2A–1 is permitted with hook and line gear from January 1 through December 31, and is estimated to take 15,000 lb (6.8 mt).

23. Sport Fishing for Halibut

(1) No person shall engage in sport fishing for halibut using gear other than a single line with no more than two hooks attached; or a spear.

(2) In all waters off Alaska:

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(3) In all waters off British Columbia:

(a) The sport fishing season is from February 1 to December 31;

(b) The daily bag limit is two halibut of any size per day per person.

(4) In all waters off California, Oregon, and Washington:

(a) The total allowable catch of halibut shall be limited to 195,078 lb (88.5 mt) in waters off Washington and 168,961 lb (76.6 mt) in waters off California and Oregon;

(b) The sport fishing subareas, subquotas, fishing dates, and daily bag limits are as follows, except as modified under the inseason actions in Section 24. All sport fishing in Area 2A (except for fish caught in the North Washington coast area and landed into Neah Bay) is managed on a ''port of landing'' basis, whereby any halibut landed into a port counts toward the quota for the area in which that port is located, and the regulations governing the area of landing apply, regardless of the specific area of catch.

(i) In Puget Sound and the U.S. waters in the Strait of Juan de Fuca, east of a line from the lighthouse on Bonilla Point on Vancouver Island, British Columbia (48°35′44″ N. lat., 124°43′00″ W. long.) to the buoy adjacent to Duntze Rock (48°24′55″ N. lat., 124°44′50″ W. long.) to Tatoosh Island lighthouse (48°23′30″ N. lat., 124°44′00″ W. long.) to Cape Flattery (48°22°55″ N. lat., 124°43′42″ W. long.), there is no quota. This area is managed by setting a season that is projected to result in a catch of 57,191 lb (25.9 mt).

(A) The fishing season is May 22 through August 3, 5 days a week (Thursday through Monday).

(B) The daily bag limit is one halibut of any size per day per person.

(ii) In the area off the north Washington coast, west of the line described in paragraph (d)(2)(i) of this section and north of the Queets River (47°3′42″ N. lat.), the quota for landings into ports in this area is 96,052 lb (43.6 mt). Landings into Neah Bay of halibut caught in this area will be governed by this paragraph.

(A) The fishing seasons are:

(*1*) Commencing May 1 and continuing 5 days a week (Tuesday through Saturday) until 81,052 lb (36.8 mt) are estimated to have been taken and the season is closed by the Commission, or until June 30, whichever occurs first.

(*2*) Commencing July 1 and continuing 5 days a week (Tuesday through Saturday) until the overall area quota of 96,052 lb (43.6 mt) are estimated to have been taken and the area is closed by the Commission, or until September 30, whichever occurs first.

(B) The daily bag limit is one halibut of any size per day per person.

(C) A portion of this area about 19 nm (35 km) southwest of Cape Flattery is closed to sport fishing for halibut. The closed area is within a rectangle defined by these four corners: 48°18′00″ N. lat., 125°11′00″ W. long.; 48°18′00″ N. lat., 124°59′00″ W. long.; 48°04′00″ N. lat., 125°11′00″ W. long.; and, 48°04′00″ N. lat., 124°59′00″ W. long.

(iii) In the area between the Queets River, WA and Leadbetter Point, WA (46°38′10″ N. lat.), the quota for landings into ports in this area is 36,648 lb (16.6 mt).

(A) The fishing season commences on May 3 and continues 5 days a week (Sunday through Thursday) until 35,648 lb (16.1 mt) are estimated to have been taken and the season is closed by the Commission. Immediately following this closure, the season reopens in the area from the Queets River south to 47°00′00″ N. lat. and east of 124°40′00″ W. long. and continues every day until 36,648 lb (16.6 mt) are estimated to have been taken and the area is closed by the Commission, or until September 30, whichever occurs first.

(B) The daily bag limit is one halibut of any size per day per person.

(C) The northern offshore portion of this area west of 124°40′00″ W. long. and north of 47°10′00″ N. lat. is closed to sport fishing for halibut.

(iv) In the area between Leadbetter Point, WA and Cape Falcon, OR (45°46′00″ N. lat.), the quota for landings into ports in this area is 8,565 lb (3.9 mt).

(A) The fishing season commences on May 1, and continues every day through September 30, or until 8,565 lb (3.9 mt) are estimated to have been taken and the area is closed by the Commission, whichever occurs first.

(B) The daily bag limit is one halibut with a minimum overall size limit of 32 inches (81.3 cm).

(v) In the area off Oregon between Cape Falcon and the Siuslaw River at the Florence north jetty (44°01′08″ N. lat.), the quota for landings into ports in this area is 149,362 lb (67.8 mt).

(A) The fishing seasons are:

(*1*) The first season is open on May 14, 15, 16, 21, 22, and 23. The projected catch for this season is 101,566 lb (46.1 mt). Any poundage remaining unharvested will be added to the August season.

(*2*) The second season commences May 24 and continues every day through August 6, in the area inside the 30-fathom (55 m) curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600, or until 10,455 lb (4.7 mt) or the subarea quota is estimated to have been taken and the season is closed by the Commission, whichever is earlier.

(*3*) The third season is open on August 7 or until the combined quotas for the subareas described in paragraphs (v) and (vi) of this section totaling 161,189 lb (73.1 mt) are estimated to have been taken and the area is closed by the Commission, whichever is earlier. If the harvest during this opening does not achieve the 161,189 lb (73.1 mt) quota, the season will reopen. If the amount of unharvested catch available is sufficient for an additional day of all-depth fishing, the reopening date will be announced inseason on the NMFS hotline (206) 526–6667 or (800) 662–9825. If the amount of unharvested catch available is not sufficient for an additional day of all-depth fishing, a reopening of the fishery will be announced on the NMFS hotline for the area inside the 30-fathom curve (55 m) which will continue for 7 days per week until the quota is taken or September 30, whichever is earlier. No halibut fishing will be allowed after August 7 unless the opening is announced on the NMFS hotline.

(B) The daily bag limit is two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

(vi) In the area off Oregon between the Siuslaw River at the Florence north jetty and

the California border (42°00′00″ N. lat.), the quota for landings into ports in this area is 11,827 lb (5.4 mt).

(A) The fishing seasons are:

(*1*) The first season is open on May 14, 15, 16, 21, 22 and 23. The projected catch for this season is 9,462 lb (4.3 mt). If sufficient unharvested catch remains for an additional day's fishing, the season will reopen. Dependent on the amount of unharvested catch available, the season reopening dates will be June 13, then June 12, then June 20, and then June 19. If a decision is made inseason by NMFS to allow fishing on one or more of these additional dates, notice of the opening will be announced on the NMFS hotline (206) 526–6667 or (800) 662–9825. No halibut fishing will be allowed on the additional dates unless the opening date is announced on the NMFS hotline.

(*2*) The second season commences May 24 and continues every day through August 6, in the area inside the 30-fathom (55 m) curve nearest to the coastline as plotted on National Ocean Service charts numbered 18520, 18580, and 18600, or until 2,365 lb (1.1 mt) or the subarea quota is estimated to have been taken and the season is closed by the Commission, whichever is earlier.

(*3*) The third season is open on August 7 or until the combined quotas for the subareas described in paragraphs (v) and (vi) of this section totaling 161,189 lb (73.1 mt) are estimated to have been taken and the area is closed by the Commission, whichever is earlier. If the harvest during this opening does not achieve the 161,189 lb (73.1 mt) quota, the season will reopen. If the amount of unharvested catch available is sufficient for an additional day of all-depth fishing, the reopening date will be announced inseason on the NMFS hotline (206) 526–6667 or (800) 662–9825. If the amount of unharvested catch available is not sufficient for an additional day of all-depth fishing, a reopening of the fishery will be announced on the NMFS hotline for the area inside the 30-fathom curve (55 m) which will continue for 7 days per week until the quota is taken or September 30, whichever is earlier. No halibut fishing will be allowed after August 7 unless the opening is announced on the NMFS hotline.

(B) The daily bag limit is two halibut, one with a minimum overall size limit of 32 inches (81.3 cm) and the second with a minimum overall size limit of 50 inches (127.0 cm).

(vii) In the area off the California coast, there is no quota. This area is managed on a season that is projected to result in a catch of less than 4,393 lb (2.0 mt).

(A) The fishing season will commence on May 1 and continue every day through September 30.

(B) The daily bag limit is one halibut with a minimum overall size limit of 32 inches (81.3 cm).

(c) The Commission shall determine and announce closing dates to the public for any area in which the subquotas in this Section are estimated to have been taken.

(d) When the Commission has determined that a subquota under paragraph (4)(b) of this section is estimated to have been taken, and has announced a date on which the season will close, no person shall sport fish for halibut in that area after that date for the rest of the year, unless a reopening of that area for sport halibut fishing is scheduled in accordance with the Catch Sharing Plan for Area 2A, or announced by the Commission.

(5) Any minimum overall size limit promulgated under IPHC or NMFS regulations shall be measured in a straight line passing over the pectoral fin from the tip of the lower jaw with the mouth closed, to the extreme end of the middle of the tail.

(6) No person shall fillet, mutilate, or otherwise disfigure a halibut in any manner that prevents the determination of minimum size or the number of fish caught, possessed, or landed.

(7) The possession limit for halibut in the waters off the coast of Alaska is two daily bag limits.

(8) The possession limit for halibut in the waters off the coast of British Columbia is three halibut

(9) The possession limit for halibut in the waters off Washington, Oregon, and California is the same as the daily bag limit.

(10) The possession limit for halibut on land in Area 2A north of Cape Falcon, OR is two daily bag limits.

(11) The possession limit for halibut on land in Area 2A south of Cape Falcon, OR is one daily bag limit.

(12) Any halibut brought aboard a vessel and not immediately returned to the sea with a minimum of injury will be included in the daily bag limit of the person catching the halibut.

(13) No person shall be in possession of halibut on a vessel while fishing in a closed area.

(14) No halibut caught by sport fishing shall be offered for sale, sold, traded, or bartered.

(15) No halibut caught in sport fishing shall be possessed on board a vessel when other fish or shellfish aboard the said vessel are destined for commercial use, sale, trade, or barter.

(16) The operator of a charter vessel shall be liable for any violations of these regulations committed by a passenger aboard said vessel.

24. Flexible Inseason Management Provisions in Area 2A

(1) The Regional Administrator, NMFS Northwest Region, after consultation with the Chairman of the Pacific Fishery Management Council, the Commission Executive Director, and the Fisheries Director(s) of the affected state(s), is authorized to modify regulations during the season after making the following determinations.

(A) The action is necessary to allow allocation objectives to be met.

(B) The action will not result in exceeding the catch limit for the area.

(C) If any of the sport fishery subareas north of Cape Falcon, OR are not projected to utilize their respective quotas by September 30, NMFS may take inseason action to transfer any projected unused quota to a Washington sport subarea projected to have the fewest number of sport fishing days in the calendar year.

(2) Flexible inseason management provisions include, but are not limited to, the following:

(A) Modification of sport fishing periods;

(B) Modification of sport fishing bag limits;

(C) Modification of sport fishing size limits; and

(D) Modification of sport fishing days per calendar week.

(3) Notice procedures.

(A) Actions taken under this section will be published in the **Federal Register**.

(B) Actual notice of inseason management actions will be provided by a telephone hotline administered by the Northwest Region, NMFS, at 206–526–6667 or 800–662–9825 (May through September) and by U.S. Coast Guard broadcasts. These broadcasts are announced on Channel 16 VHF–FM and 2182 kHz at frequent intervals. The announcements designate the channel or frequency over which the notice to mariners will be immediately broadcast. Since provisions of these regulations may be altered by inseason actions, sport fishers should monitor either the telephone hotline or U.S. Coast Guard broadcasts for current information for the area in which they are fishing.

(4) Effective dates.

(A) Any action issued under this section is effective on the date specified in the publication or at the time that the action is filed for public inspection with the Office of the Federal Register, whichever is later.

(B) If time allows, NMFS will invite public comment prior to the effective date of any inseason action filed with the Federal Register. If the Regional Administrator determines, for good cause, that an inseason action must be filed without affording a prior opportunity for public comment, public comments will be received for a period of 15 days after publication of the action in the **Federal Register**.

(C) Any inseason action issued under this section will remain in effect until the stated expiration date or until rescinded, modified, or superseded. However, no inseason action has any effect beyond the end of the calendar year in which it is issued.

(5) Availability of data. The Regional Administrator will compile, in aggregate form, all data and other information relevant to the action being taken and will make them available for public review during normal office hours at the Northwest Regional Office, NMFS, Sustainable Fisheries Division, 7600 Sand Point Way NE, Seattle, WA.

25. Fishery Election in Area 2A

(1) A vessel that fishes in Area 2A may participate in only one of the following three fisheries in Area 2A:

(a) The sport fishery under Section 23;

(b) The commercial directed fishery for halibut during the fishing period(s) established in Section 8; or

(c) The incidental catch fishery during the salmon troll fishery as authorized in Section 8.

(2) No person shall fish for halibut in the sport fishery in Area 2A under Section 23 from a vessel that has been used during the same calendar year for commercial halibut fishing in Area 2A or that has been issued a

permit for the same calendar year for the commercial halibut fishery in Area 2A.

(3) No person shall fish for halibut in the directed halibut fishery in Area 2A during the fishing periods established in Section 8 from a vessel that has been used during the same calendar year for the incidental catch fishery during the salmon troll fishery as authorized in Section 8.

(4) No person shall fish for halibut in the directed commercial halibut fishery in Area 2A from a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A or that is licensed for the sport halibut fishery in Area 2A.

(5) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under Section 8 taken on a vessel that, during the same calendar year, has been used in the sport halibut fishery in Area 2A, or that is licensed for the sport halibut fishery in Area 2A.

(6) No person shall retain halibut in the salmon troll fishery in Area 2A as authorized under Section 8 taken on a vessel that, during the same calendar year, has been used in the directed commercial fishery during the fishing periods established in Section 8 for Area 2A or that is licensed to participate in the directed commercial fishery during the fishing periods established in Section 8 in Area 2A.

26. Previous Regulations Superseded

These regulations shall supersede all previous regulations of the Commission, and these regulations shall be effective each succeeding year until superseded.

Classification

IPHC Regulations

Because approval by the Secretary of State of the IPHC regulations is a foreign affairs function, *Jensen* v. *National Marine Fisheries Service*, 512 F.2d 1189 (9th Cir. 1975), 5 U.S.C. 553 does not apply to this notice of the effectiveness and content of the IPHC regulations. Because prior notice and an opportunity for public comment are not required to be provided for this rule by 5 U.S.C. 553, or any other law, the analytical requirements of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, are not applicable.

Catch Sharing Plan for Area 2A

An Environmental Assessment/Regulatory Impact Review was prepared on the proposed changes to the Plan. NMFS has determined that the proposed changes to the plan and the implementing management measures contained in and implemented by the IPHS regulations will not significantly affect the quality of the human environment, and the preparation of an environmental impact statement on the final action is not required by section 102(2)(C) of the National Environmental Policy Act or its implementing regulations. At the proposed rule state, the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this action will not have a significant economic impact on a substantial number of small entities. No comments were received on this certification. Consequently, no regulatory flexibility analysis has been prepared. This action has been determined to be not significant for purposes of E.O. 12866.

Catch Sharing Plan for Areas 4C, 4D, and 4E

At the proposed rule stage, the Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this revision of the CSP would not have a significant economic impact on a substantial number of small entities. No comments were received on this certification. Consequently, no regulatory flexibility analysis was prepared. This action has been determined to be not significant for purposes of E.O. 12866. The revision to CFR 300.63(b) made by this rule is not substantive in that it merely revises the description of the contents of the CSP to reflect that the Council no longer allocates for subareas 4A and 4B. Accordingly, it is not subject to a delay in effective date.

List of Subjects in 50 CFR Part 300

Fisheries, Fishing, Reporting and recordkeeping requirements, Treaties.

Authority: 16 U.S.C. 773–773k.

Dated: March 12, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 300 is amended as follows:

PART 300—INTERNATIONAL FISHERIES REGULATIONS

1. The authority citation for part 300, subpart E, continues to read as follows:

Authority: 16 U.S.C. 773–773k.

2. In § 300.63, paragraph (b) is revised to read as follows:

§ 300.63 Catch sharing plans and domestic management measures.

* * * * *

(b) The catch sharing plan for area 4 allocates the annual TAC among Areas 4C, 4D, and 4E, and will be implemented by the Commission in annual management measures published pursuant to § 300.62.

[FR Doc. 98–6854 Filed 3–12–98; 4:01 pm]
BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 679

[Docket No. 971124274–8052–02; I.D. 110597A]

RIN 0648–AH67

Fisheries of the Exclusive Economic Zone Off Alaska; Forage Fish Species Category

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Final rule.

SUMMARY: NMFS issues regulations to implement Amendment 36 to the Fishery Management Plan for the Groundfish Fishery of the Bering Sea and Aleutian Islands Area and Amendment 39 to the Fishery Management Plan for Groundfish of the Gulf of Alaska (FMPs). This action creates a forage fish species category in both FMPs and implements associated management measures. The intended effect of this action is to prevent the development of a commercial directed fishery for forage fish, which are a critical food source for many marine mammal, seabird, and fish species. This action is necessary to conserve and manage the forage fish resource off Alaska and to further the goals and objectives of the FMPs. In addition, this action includes a technical amendment removing a date that is no longer applicable.

DATES: Effective April 16, 1998.

ADDRESSES: Copies of Amendments 36 and 39 and the Environmental Assessment/Regulatory Impact Review (EA/RIR) prepared for Amendments 36 and 39 are available from the Sustainable Fisheries Division, Alaska Region, NMFS, P.O. Box 21668, Juneau, AK 99802, Attn: Lori J. Gravel, or by calling the Alaska Region, NMFS, at 907–586–7228.

FOR FURTHER INFORMATION CONTACT: Kent Lind, 907–586–7228 or kent.lind@noaa.gov

SUPPLEMENTARY INFORMATION: The domestic groundfish fisheries in the exclusive economic zone of the Bering Sea and Aleutian Islands Management Area (BSAI) and of the Gulf of Alaska

(GOA) are managed by NMFS under the FMPs. The FMPs were prepared by the North Pacific Fishery Management Council (Council) under the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act). Regulations governing the groundfish fisheries of the BSAI and GOA appear at 50 CFR part 679, and general regulations governing U.S. fisheries appear at 50 CFR part 600.

A notice of availability of amendments 36 and 39 was published on November 12, 1997 (62 FR 60682), with comments on the FMP amendments invited through January 12, 1998. A proposed rule to implement amendments 36 and 39 was published in the **Federal Register** on December 12, 1997 (62 FR 65402), with comments invited through January 26, 1998. One letter of comment was received and is summarized and responded to in the Response to Comments section. Additional information on this action is contained in the preamble to the proposed rule and in the EA/RIR (See **ADDRESSES**). Upon reviewing amendments 36 and 39, the Administrator, Alaska Region, NMFS, has determined that amendments 36 and 39 are necessary for the conservation and management of the groundfish fisheries of the BSAI and GOA and are consistent with the Magnuson-Stevens Act and with other applicable laws.

Response to Comments

The following comment summarizes the one letter received on the FMP amendments and proposed rule:

Comment. The Department of Interior believes that managing forage fish, by establishing a separate category for these species, will benefit the marine ecosystems of the North Pacific. The Department of the Interior supports approval of the amendments as well as issuance of the implementing regulations which would prohibit directed fishing on forage fish species, and the sale, barter, trade, or processing of forage fish.

Response. NMFS agrees with the conclusions of the Department of Interior and has approved amendments 36 and 39.

Elements of the Final Rule

The following is a summary of the main elements of the final rule.

Forage Fish Species Category

The rule defines forage fish species to mean all species of the following families:

Osmeridae (eulachon, capelin, and other smelts),

Myctophidae (lanternfishes),

Bathylagidae (deep-sea smelts),

Ammodytidae (Pacific sand lance),

Trichodontidae (Pacific sandfish),

Pholidae (gunnels),

Stichaeidae (pricklebacks, warbonnets, eelblennys, cockscombs and shannys),

Gonostomatidae (bristlemouths, lightfishes, and anglemouths), and the Order

Euphausiacea (krill).

These species have been grouped together because they are considered to be primary food resources for other marine animals and they have the potential to be the targets of a commercial fishery.

Affected Vessels and Processors

The requirements of the rule apply to all vessels fishing for groundfish in the Federal waters of the BSAI or GOA or processing groundfish harvested in the Federal waters of the BSAI or GOA. The rule does not apply to fishing for forage fish species within State waters.

Prohibition on Directed Fishing

The rule prohibits directed fishing for forage fish at all times in the Federal waters of the BSAI and GOA. The rule establishes maximum retainable bycatch (MRB) percentage of 2 percent for forage fish, meaning that vessels fishing for groundfish may retain a quantity of forage fish equal to no more than 2 percent of the round weight or round-weight equivalent of groundfish species open to directed fishing that are retained on board the vessel during a fishing trip. NMFS data indicate that the aggregate percentage of forage fish incidentally caught in current groundfish fisheries rarely exceeds 2 percent, and many vessels rarely or never encounter catch of forage fish species. Consequently, bycatch of forage fish species is not considered a problem in the groundfish fisheries off Alaska, and the 2-percent MRB is unlikely to result in increased discards of forage fish species.

Harvest Quotas

Insufficient information exists upon which to specify a total allowable catch amount (TAC) for forage fish species. Therefore, this action does not establish procedures for specifying an annual TAC for forage fish species. However, by establishing a new species category for forage fish, NMFS will be able to collect additional data on forage fish from vessel logbooks, weekly production reports, and observer reports. This information may be used to evaluate the need for and appropriateness of other management measures for forage fish species.

Limits on Sale, Barter, Trade or Processing

The rule prohibits the sale, barter, trade, or processing of forage fish species by vessels fishing for groundfish in the Federal waters of the BSAI or GOA or processing groundfish harvested in the BSAI or GOA, except that retained catch of forage fish species not exceeding the 2-percent MRB may be processed into fishmeal and sold. The rule allows fishmeal processing of forage fish retained under the 2-percent MRB amount to prevent undue burdens on operations that process unsorted processing waste into fishmeal. Industry representatives have indicated that separating small quantities of forage fish from the volumes of fish and fish waste that typically enter fishmeal plants would be nearly impossible. The small volumes of fishmeal production allowed under this rule are not expected to provide an incentive for vessels to target on forage fish through ''topping off'' activity.

This rule does not apply to onshore processors due to limitations of the authority of the Secretary of Commerce under the Magnuson-Stevens Act. At the June 1997 Council meeting, the State of Alaska indicated that it intends to proceed with parallel forage fish regulations to restrict the harvest of forage fish within State waters and the processing of forage fish by onshore processors.

Changes From the Proposed Rule

In the proposed change to Table 2 to 50 CFR Part 679, the order *Euphausiacea* was incorrectly identified as a family. This error has been corrected in the final rule. No other changes have been made in the final rule.

A technical amendment is made to § 679.20(c)(5) by deleting a date that is no longer applicable.

Classification

At the proposed rule stage, the Assistant General Counsel for Legislation and Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. No comments were received regarding this certification. As a result, a regulatory flexibility analysis was not prepared.

An informal consultation under the Endangered Species Act was concluded for amendments 36 and 39 on July 11,

1997. As a result of the informal consultation, the Regional Administrator determined that fishing activities under this rule are not likely to adversely affect endangered or threatened species or critical habitat.

This final rule has been determined to be not significant for the purposes of E.O. 12866.

List of Subjects in 50 CFR Part 679

Alaska, Fisheries, Reporting and recordkeeping requirements.

Dated: March 10, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 679 is amended as follows:

PART 679—FISHERIES OF THE EXCLUSIVE ECONOMIC ZONE OFF ALASKA

1. The authority citation for 50 CFR part 679 continues to read as follows:

Authority: 16 U.S.C. 773 *et seq* ., 1801 *et seq.*, and 3631 *et seq.*

2. In § 679.2, the definition of ''forage fish'' is added in alphabetical order to read as follows:

§ 679.2 Definitions.

* * * * *

Forage fish means all species of the following families:

(1) *Osmeridae* (eulachon, capelin and other smelts),

(2) *Myctophidae* (lanternfishes),

(3) *Bathylagidae* (deep-sea smelts),

(4) *Ammodytidae* (Pacific sand lance),

(5) *Trichodontidae* (Pacific sandfish),

(6) *Pholidae* (gunnels),

(7) *Stichaeidae* (pricklebacks, warbonnets, eelblennys, cockscombs and shannys),

(8) *Gonostomatidae* (bristlemouths, lightfishes, and anglemouths), and

(9) The Order *Euphausiacea* (krill).

* * * * *

3. In § 679.20, paragraph (c)(5) is amended by removing the phrase ''(Applicable through December 31, 1996)'' and a new paragraph (i) is added as follows:

§ 679.20 General limitations.

* * * * *

(i) *Forage fish*—(1) *Definition.* See § 679.2.

(2) *Applicability.* The provisions of § 679.20(i) apply to all vessels fishing for groundfish in the BSAI or GOA, and to all vessels processing groundfish harvested in the BSAI or GOA.

(3) *Closure to directed fishing.* Directed fishing for forage fish is prohibited at all times in the BSAI and GOA.

(4) *Limits on sale, barter, trade, and processing.* The sale, barter, trade, or processing of forage fish is prohibited, except as provided in paragraph (i)(5) of this section.

(5) *Allowable fishmeal production.* Retained catch of forage fish not exceeding the maximum retainable bycatch amount may be processed into fishmeal for sale, barter, or trade.

4. In § 679.22, paragraph (c) is revised to read as follows:

§ 679.22 Closures.

* * * * *

(c) *Directed fishing closures.* See § 679.20(d) and § 679.20(i).

* * * * *

Table 2 to Part 679 [Amended]

5. Table 2 to 50 CFR part 679 is amended by adding species codes 207 Gunnels; 208 Pricklebacks, warbonnets, eelblennys, cockscombs and shannys (family *Stichaeidae*); 209 Bristlemouths, lightfishes, and anglemouths (family *Gonostomatidae*); 210 Pacific sandfish; 772 Lanternfishes; 773 Deep-sea smelts (family *Bathylagidae*); 774 Pacific sand lance; and 800 Krill (order *Euphausiacea*); in numerical order as follows:

TABLE 2 TO PART 679.—SPECIES CODES

Code	Species
* * * * * * *	
Group Codes:	
* * * * * * *	
207	Gunnels.
208	Pricklebacks, warbonnets, eelblennys, cockscombs and shannys (family *Stichaeidae*).
209	Bristlemouths, lightfishes, and anglemouths (family *Gonostomatidae*).
210	Pacific sandfish.
* * * * * * *	
772	Lanternfishes.
773	Deep-sea smelts (family *Bathylagidae*).
774	Pacific sand lance.
800	Krill (order *Euphausiacea*).
* * * * * * *	

Tables 10 and 11 to Part 679 [Amended]

6. Tables 10 and 11 to 50 CFR part 679 are amended by adding a column for aggregate forage fish as follows:

In Table 10 to 50 CFR part 679, a column for ''Aggregate Forage Fish'' is added between columns ''Atka mackerel'' and ''Other species,'' and footnote 5 is added to read ''Forage fish are defined at § 679.2.'' Table 10, as revised, reads as follows:

TABLE 10.—GULF OF ALASKA RETAINABLE PERCENTAGES

	Bycatch species [1]												
	Pollock	Pacific cod	Deep flatfish	Rex sole	Flat-head sole	Shal-low flatfish	Arrow-tooth	Sable-fish	Aggre-gated rock-fish [2]	DSR SEEO [4]	Atka mack-erel	Aggre-gate forage fish [5]	Other spe-cies
Basis Species													
Pollock	[3] na	20	20	20	20	20	35	1	5	10	20	2	20
Pacific cod	20	[3] na	20	20	20	20	35	1	5	10	20	2	20
Deep flatfish	20	20	[3] na	20	20	20	35	7	15	1	20	2	20
Rex sole	20	20	20	20	[3] na	20	35	7	15	1	20	2	20
Flathead sole	20	20	20	20	[3] na	20	35	7	15	1	20	2	20
Shallow flatfish	20	20	20	20	20	[3] na	35	1	5	10	20	2	20
Arrowtooth	5	5	0	0	0	0	[3] na	0	0	0	0	2	20
Sablefish	20	20	20	20	20	20	35	[3] na	15	1	20	2	20
Pacific Ocean perch	20	20	20	20	20	20	35	7	15	1	20	2	20
Shortraker/rougheye	20	20	20	20	20	20	35	7	15	1	20	2	20
Other rockfish	20	20	20	20	20	20	35	7	15	1	20	2	20
Northern rockfish	20	20	20	20	20	20	35	7	15	1	20	2	20
Pelagic rockfish	20	20	20	20	20	20	35	7	15	1	20	2	20
DSR–SEEO	20	20	20	20	20	20	35	7	15	[3] na	20	2	20
Thornyhead	20	20	20	20	20	20	35	7	15	1	20	2	20
Atka mackerel	20	20	20	20	20	20	35	1	5	10	[3] na	2	20
Other species	20	20	20	20	20	20	35	1	5	10	20	2	[3] na
Aggregated amount non-groundfish spe-cies	20	20	20	20	20	20	35	1	5	10	20	2	20

[1] For definition of species, see Table 1 of the Gulf of Alaska groundfish specifications.
[2] Aggregated Rockfish means any rockfish except in the Southeast Outside District where demersal shelf rockfish (DSR) is a separate category.
[3] na=not applicable.
[4] SEEO=Southeast Outside District.
[5] Forage fish are defined at § 679.2.

In Table 11 to 50 CFR part 679, a column for ''Aggregate Forage Fish'' is added between columns ''Squid'' and ''Other species,'' footnote 3 is redesignated as footnote 4, and a new footnote 3 is added to read ''Forage fish are defined at § 679.2.'' Table 11, as revised, reads as follows:

TABLE 11.—BERING SEA AND ALEUTIAN ISLANDS MANAGEMENT AREA RETAINABLE PERCENTAGES

	Bycatch species [1]													
	Pollock	Pacific cod	Atka mack-erel	Arrowtooth	Yellow-fin sole	Other flatfish	Rock sole	Flat-head sole	Green-land turbot	Sable-fish	Aggre-gated rock-fish [2]	Squid	Aggre-gate forage fish [3]	Other spe-cies
Basis species [1]														
Pollock	[4] na	20	20	35	20	20	20	20	1	1	5	20	2	20
Pacific cod	20	na	20	35	20	20	20	20	1	1	5	20	2	20
Atka mackerel	20	20	na	35	20	20	20	20	1	1	5	20	2	20
Arrowtooth	0	0	0	na	0	0	0	0	0	0	0	0	2	0
Yellowfin sole	20	20	20	35	na	35	35	35	1	1	5	20	2	20
Other flatfish	20	20	20	35	35	na	35	35	1	1	5	20	2	20
Rock sole	20	20	20	35	35	35	na	35	1	1	5	20	2	20
Flathead sole	20	20	20	35	35	35	35	na	35	15	15	20	2	20
Greenland turbot	20	20	20	35	20	20	20	20	na	15	15	20	2	20
Sablefish	20	20	20	35	20	20	20	20	35	na	15	20	2	20
Other rockfish	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Other red rockfish-BS	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Pacific Ocean perch	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Sharpchin/Northern-AI	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Shortraker/Rougheye-AI	20	20	20	35	20	20	20	20	35	15	15	20	2	20
Squid	20	20	20	35	20	20	20	20	1	1	5	[4] na	2	20
Other species	20	20	20	35	20	20	20	20	1	1	5	20	2	[4] na
Aggregated amount non-groundfish species	20	20	20	35	20	20	20	20	1	1	5	20	2	20

[1] For definition of species, see Table 1 of the Bering Sea and Aleutian Islands groundfish specifications.
[2] Aggregated rockfish of the genera *Sebastes* and *Sebastolobus*.
[3] Forage fish are defined at § 679.2.
[4] na = not applicable.

[FR Doc. 98–6857 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 63, No. 51
Tuesday, March 17, 1998

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 97–CE–102–AD]

RIN 2120–AA64

Airworthiness Directives; Alexander Schleicher Segelflugzeugbau Models ASW–19 and ASK–21 Sailplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes to adopt a new airworthiness directive (AD) that would apply to certain Alexander Schleicher Segelflugzeugbau (Schleicher) Models ASW–19 and ASK–21 sailplanes. The proposed AD would require: modifying the rudder surface panels; replacing the airbrake bellcrank; and modifying the rear canopy hinge structure. The proposed AD is the result of mandatory continuing airworthiness information (MCAI) issued by the airworthiness authority for Germany. The actions specified by the proposed AD are intended to prevent loss of the canopy caused by design deficiency, airbrake failure caused by cracking, and rudder panel flutter caused by high density altitude conditions, all of which, if not corrected, could result in reduced sailplane controllability.

DATES: Comments must be received on or before April 17, 1998.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–102–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

Service information that applies to the proposed AD may be obtained from Alexander Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany; telephone: 49.6658.890 or 49.6658.8920; facsimile: 49.6658.8923 or 49.6658.8940. This information also may be examined at the Rules Docket at the address above.

FOR FURTHER INFORMATION CONTACT: Mr. J. Mike Kiesov, Project Officer, Sailplanes/Gliders, Small Airplane Directorate, Aircraft Certification Service, FAA, 1201 Walnut, suite 900, Kansas City, Missouri 64106; telephone: (816) 426–6932; facsimile: (816) 426–2169.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 97–CE–102–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 97–CE–102–AD, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Discussion

The Luftfahrt-Bundesamt (LBA), which is the airworthiness authority for the Federal Republic of Germany, notified the FAA that unsafe conditions may exist on certain Schleicher Model ASW–19 and ASK–22 sailplanes. The LBA reports the following:

- That airflow over the rudder flight control system when near maximum speed and under high density altitude conditions causes panel flutter of the rudder control panels on the Schleicher Model ASW–19 sailplanes;
- That cracks have been found in the rear canopy hinge structure, which could be caused by insufficient design or leaving the sailplane canopy open and exposed to wind forces on the Schleicher Model ASK–21 sailplanes; and,
- That cracks in the airbrake bellcrank have been found during routine maintenance inspection on the Schleicher Model ASK–21 sailplanes.

These conditions, if not corrected, could result in reduced controllability of these sailplanes.

Relevant Service Information

Alexander Schleicher has issued the following service information: Technical Note 2, dated September 6, 1976, which specifies procedures for stiffening the rudder surface panels on certain Model ASW–19 sailplanes; and, Technical Note 20 dated October 16, 1987, which specifies procedures for inspecting and replacing the airbrake bellcrank, and inspecting and reinforcing the rear canopy hinge on the Model ASK–21 sailplanes.

The LBA classified these service bulletins as mandatory and issued the following AD's in order to assure the continued airworthiness of these sailplanes in Germany: (1) LBA AD 76–258 dated September 3, 1976, against the Model ASW–19 sailplanes for the rudder panel flutter condition; and (2) LBA 88–2 dated January 18, 1988, against the Model ASK–21 sailplanes for the airbrake bellcrank and rear canopy hinge conditions.

The FAA's Determination

The Alexander Schleicher Models ASW–19 and ASK–21 sailplanes are manufactured in Germany and are type certificated for operation in the United States under the provisions of section 21.29 of the Federal Aviation

Regulations (14 CFR 21.29) and the applicable bilateral airworthiness agreement. Pursuant to this bilateral airworthiness agreement, the LBA has kept the FAA informed of the situation described above.

The FAA has examined the findings of the LBA, reviewed all available information, including the service information referenced above, and determined that AD action is necessary for products of this type design that are certificated for operation in the United States.

Explanation of the Provisions of the Proposed AD

Since unsafe conditions have been identified that are likely to exist or develop in other Alexander Schleicher Models ASW–19 and ASK–21 sailplanes of the same type design registered in the United States, the proposed AD would require modifying the sailplanes' rudder panel by stiffening the rudder panel, reinforcing the rear canopy hinge, and replacing the airbrake bellcrank. Accomplishment of the proposed actions would be in accordance with the previously referenced service information.

Cost Impact

The FAA estimates that 5 sailplanes in the U.S. registry would be affected by the rudder panel portion of the proposed AD, that it would take approximately 10 workhours per sailplane to accomplish the rudder panel portion of the proposed AD, and that the average labor rate is approximately $60 an hour. Parts cost approximately $50 per sailplane. Based on these figures, the total cost impact of the rudder panel portion of the proposed AD on U.S. operators is estimated to be $3,250, or $650 per sailplane.

The FAA estimates that 30 sailplanes in the U.S. registry would be affected by the airbrake bellcrank portion of the proposed AD, that it would take approximately 6 workhours per sailplane to accomplish the rudder panel portion of the proposed AD, and that the average labor rate is approximately $60 an hour. Parts cost approximately $200 per sailplane. Based on these figures, the total cost impact of the airbrake bellcrank portion of the proposed AD on U.S. operators is estimated to be $16,800, or $560 per sailplane.

The FAA estimates that 30 sailplanes in the U.S. registry would be affected by the rear canopy hinge portion of the proposed AD, that it would take approximately 11 workhours per sailplane to accomplish the rear canopy hinge portion of the proposed AD, and that the average labor rate is approximately $60 an hour. Parts cost approximately $15 per sailplane. Based on these figures, the total cost impact of the rear canopy hinge portion proposed AD on U.S. operators is estimated to be $20,250, or $675 per sailplane.

Regulatory Impact

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action has been placed in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES.**

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding a new airworthiness directive (AD) to read as follows:

Alexander Schleicher Segelflugzeugbau: Docket No. 97–CE–102–AD.

Applicability: Model ASW–19 sailplanes (serial numbers 19019 through 19037, 19040, and 19042 through 19044), and Model ASK–21 sailplanes (serial numbers 21001 through 21345), certificated in any category.

Note 1: This AD applies to each sailplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For sailplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (c) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated in the body of this AD, unless already accomplished.

To prevent loss of the canopy caused by design deficiency, airbrake failure caused by cracking, and rudder panel flutter caused by high density altitude conditions, all of which, if not corrected, could result in reduced sailplane controllability, accomplish the following:

(a) Within the next 3 calendar months after the effective date of this AD, accomplish the following:

(1) For Alexander Schleicher Model ASW–19 sailplanes, modify the rudder panel in accordance with the Instructions section in Alexander Schleicher ASW 19 Technical Note No. 2, dated September 6, 1976.

(2) For Alexander Schleicher Model ASK–21 sailplanes, replace the airbrake bellcrank with an airbrake bellcrank of improved design in accordance with the Action section, paragraphs 3.1, 3.2, and 3.3 in Alexander Schleicher ASW 21 Technical Note No. 20, dated October 16, 1987.

(3) For Alexander Schleicher Model ASK–21 sailplanes, modify the rear canopy hinge in accordance with the Action section, paragraph 4.2, in Alexander Schleicher ASW 21 Technical Note No. 20, dated October 16, 1987.

(b) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the sailplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the compliance time that provides an equivalent level of safety may be approved by the Manager, Small Airplane Directorate, Aircraft Certification Service, 1201 Walnut, suite 900, Kansas City, Missouri 64106. The request shall be forwarded through an appropriate FAA Maintenance Inspector, who may add comments and then send it to the Manager, Small Airplane Directorate.

Note 2: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Small Airplane Directorate.

(d) Questions or technical information related to the service information referenced in this AD, should be directed to Alexander

Schleicher Segelflugzeugbau, 6416 Poppenhausen, Wasserkuppe, Federal Republic of Germany. This service information may be examined at the FAA, Central Region, Office of the Regional Counsel, Room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

Note 3: The subject of this AD is addressed in German AD No. 76–258, dated September 3, 1976, for the rudder panel condition; and German AD No. 88–2, dated January 1, 1988, for the airbrake bellcrank and the rear canopy hinge conditions.

Issued in Kansas City, Missouri, on March 9, 1998.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6768 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 97–ANM–21]

Proposed Amendment to Class E Airspace; Cedar City, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would amend the Cedar City, UT, Class E airspace. If amended, the proposal would provide additional airspace necessary to fully encompass various new and revised Standard Instrument Approach Procedures (SIAP) at Cedar City Regional Airport, Cedar City, UT.

DATES: Comments must be received on or before May 1, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace Branch, ANM–520, Federal Aviation Administration, Docket No. 97–ANM–21, 1601 Lind Avenue S.W., Renton, Washington 98055–4056.

The official docket may be examined in the Office of the Assistant Chief Counsel for the Northwest Mountain Region at the same address.

An informal docket may also be examined during normal business hours in the office of the Manager, Air Traffic Division, Airspace Branch at the address listed above

FOR FURTHER INFORMATION CONTACT: Dennis Ripley, ANM–520.6, Federal Aviation Administration, Docket No. 97–ANM–21, 1601 Lind Avenue S.W., Renton, Washington 98055–4056; telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit, with those comments, a self-addressed stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 97–ANM–21.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination at the address listed above, both before and after the closing date, for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Airspace Branch, ANM–520, 1601 Lind Avenue S.W., Renton, Washington 98055–4056. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A, which describes the application procedure.

The Proposal

The FAA is considering an amendment to Title 14, Code of Federal Regulations, part 71 (14 CFR part 71) to amend Class E airspace at Cedar City, UT. This proposal is essential in order to fully contain new and revised flight procedures within controlled airspace at Cedar City Regional Airport. The existing Class E airspace requires modification to fully encompass the missed approach, the holding, and the transition procedures to four new or revised SIAP's.

The area would be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas, extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005 of FAA Order 7400.9E, dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document would be published subsequently in the Order.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore, (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a Regulatory Evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

PART 71—DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9E, Airspace Designations and Reporting Points, dated September 10, 1997, and effective September 16, 1997, is amended as follows:

Paragraph 6005 Class E airspace areas extending upward from 700 feet or more above the surface of the earth.

* * * * *

ANM UT E5 Cedar City, UT [Revised]

Cedar City Regional Airport, UT
(Lat. 37°42′04″ N, long. 113°05′55″ W)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 38°03′00″ N, long. 113°13′30″ W; to lat. 38°05′30″ N, long. 112°58′30″ W; to lat. 37°58′30″ N, long. 112°45′30″ W; to lat. 37°45′00″ N, long. 112°56′45″ W; to lat. 37°47′30″ N, long. 113°15′00″ W; thence to point of beginning; that airspace extending upward from 1,200 feet above the surface bounded by a line beginning at lat. 38°00′00″ N, long. 113°45′30″ W; to lat. 38°19′00″ N, long. 112°51′30″ W; to lat. 37°58′30″ N, long. 112°45′30″ W; to lat. 37°37′00″ N, long. 112°56′30″ W; to lat. 37°38′15″ N, long. 113°22′18″ W; thence to point of beginning, excluding Federal airways, the Milford, UT, and the St. George, UT Class E airspace areas.

* * * * *

Issued in Seattle, Washington, on February 23, 1998.

Glenn A. Adams III,

Assistant Manager, Air Traffic Division, Northwest Mountain Region.

[FR Doc. 98–6705 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 98–AAL–2]

Proposed Revision of Class E Airspace; Homer, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This action revises Class E airspace at Homer, AK. The modification of the Localizer (LOC)/ Distance Measuring Equipment (DME) instrument approach to RWY 21 Homer, AK, has made this action necessary. Adoption of this proposal would result in the provision of adequate controlled airspace for Instrument Flight Rules (IFR) operations at Homer, AK.

DATES: Comments must be received on or before May 1, 1998.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Operations Branch, AAL–530, Docket No. 98–AAL–2, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587.

The official docket may be examined in the Office of the Regional Counsel for the Alaskan Region at the same address.

An informal docket may also be examined during normal business hours in the Office of the Manager, Operations Branch, Air Traffic Division, at the address shown above and on the Internet at Alaskan Region's homepage at http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

FOR FURTHER INFORMATION CONTACT: Robert van Haastert, Operations Branch, AAL–538, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587; telephone number (907) 271–5863; fax: (907) 271–2850; email: Robert.van.Haastert@faa.dot.gov. Internet address: http://www.alaska.faa.gov/at or at address http://162.58.28.41/at.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. Communications should identify the airspace docket number and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Airspace Docket No. 98–AAL–2.'' The postcard will be date/time stamped and returned to the commenter. All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Operations Branch, Air Traffic Division, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM's

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Operations Branch, AAL–530, Federal Aviation Administration, 222 West 7th Avenue, Box 14, Anchorage, AK 99513–7587. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11–2A which describes the application procedure.

The Proposal

The FAA proposes to amend 14 CFR part 71 by revising the Class E airspace at Homer, AK, due to the modification of the LOC/DME instrument approach to RWY 21. The area would be depicted on aeronautical charts for pilot reference. The intended effect of this proposal is to provide adequate controlled airspace for IFR operations at Homer, AK.

The coordinates for this airspace docket are based on North American Datum 83. The Class E airspace areas designated as surface areas for an airport are published in paragraph 6002 and the Class E airspace areas designated as 700/1200 foot transition areas are published in paragraph 6005 of FAA Order 7400.9E, *Airspace Designations and Reporting Points,* dated September 10, 1997, and effective September 16, 1997, which is incorporated by reference in 14 CFR 71.1 (62 FR 52491; October 8, 1997). The Class E airspace designations listed in this document would be revised and published subsequently in the Order.

The FAA has determined that these proposed regulations only involve an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration

proposes to amend 14 CFR part 71 as follows:

PART 71— DESIGNATION OF CLASS A, CLASS B, CLASS C, CLASS D, AND CLASS E AIRSPACE AREAS; AIRWAYS; ROUTES; AND REPORTING POINTS

1. The authority citation for 14 CFR part 71 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; E.O. 10854, 24 FR 9565, 3 CFR, 1959–1963 Comp., p. 389.

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order 7400.9E, *Airspace Designations and Reporting Points*, dated September 10, 1997, and effective September 16, 1997, is to be amended as follows:

Paragraph 6002 The Class E airspace areas listed below are designated as a surface area for an airport.

* * * * *

AAL AK E2 Homer, AK

Homer Airport, AK
(Lat. 59°38′42″ N, long. 151°28′42″ W)
Kachemak NDB
(Lat. 59°38′29″ N, long. 151°30′01″ W)
Homer Localizer
(Lat. 59°39′07″ N, long. 151°27′31″ W)

Within a 4.2 mile radius of the Homer Airport and within 1.9 miles either side of the Homer localizer northeast backcourse extending from the localizer to 7.2 miles northeast of the Homer localizer, and within 2.4 miles north and 4.2 miles south of the Kachemak NDB 235° radial extending from the Kachemak NDB to 8.3 miles southwest the Kachemak NDB. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Airmen. The effective date and time will thereafter be continuously published in the Supplement Alaska (Airport/Facility Directory).

* * * * *

Paragraph 6005 Class E airspace extending upward from 700 feet or more above the surface of the earth.

* * * * *

AAL AK E5 Homer, AK

Homer Airport, AK
(Lat. 59°38′42″ N, long. 151°28′42″ W)
Kachemak NDB
(Lat. 59°38′29″ N, long. 151°30′01″ W)
Homer Localizer
(Lat. 59°39′07″ N, long. 151°27′31″ W)

That airspace extending upward from 700 feet above the surface within a 6.7 mile radius of the Homer Airport and within 4 miles either side of the Homer localizer northeast backcourse extending from localizer to 12 miles northeast of the Homer localizer, and within 8 miles north and 4.2 miles south of the Kachemak NDB 235° radial extending from the Kachemak NDB to 16 miles southwest of the Kachemak NDB.

* * * * *

Issued in Anchorage, AK, on March 9, 1998.

Willis C. Nelson,

Manager, Air Traffic Division, Alaskan Region.

[FR Doc. 98–6819 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Chapter II

Flame Retardant Chemicals That May Be Suitable for Use in Upholstered Furniture; Public Hearing

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of public hearing and request for comments.

SUMMARY: The Commission will conduct a public hearing on May 5–6, 1998 to receive scientific and technical information, such as published or unpublished studies, relating to the toxicity, exposure, bioavailability, and environmental effects of flame retardant (''FR'') chemicals that may be suitable for use in residential upholstered furniture, particularly in upholstery fabrics. The Commission seeks written comments and oral presentations from individuals, associations, firms, and government agencies, with substantiated information or technical comments on these topics. The Commission will evaluate the information obtained from the hearing as part of its deliberations on whether to propose a standard to address the hazard associated with small open flame ignitions of upholstered furniture.

DATES: The hearing will begin at 10:00 a.m. on Tuesday, May 5, 1998, and, if necessary, conclude on May 6, 1998. Requests to make oral presentations, and the text of the presentation, must be received by the Office of the Secretary no later than April 21, 1998. Persons planning to testify at the hearing should submit 10 copies of the entire text of their prepared remarks to the Commission no later than April 21, 1998, and provide an additional 50 copies for dissemination on the date of the hearing. Written comments that are in place of, or in addition to oral presentations, must be received by the Office of the Secretary no later than May 5, 1998. Written comments must include the author's affiliation with, or employment or sponsorship by, any professional organization, government agency, or business firm. All data analyses and studies should include substantiation and citations. The Commission reserves the right to limit the number of persons who testify and the duration of their testimony.

ADDRESSES: The hearing will be in room 420 of the East-West Towers Building, 4330 East-West Highway, Bethesda, MD. Written comments, requests to make oral presentations, and texts of oral presentations should be captioned ''Flame Retardant Chemicals'' and mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to that office, room 502, 4330 East-West Highway, Bethesda, Maryland 20814. Comments, requests, and texts of oral presentations may also be filed by telefacsimile to (301) 504–0127 or by e-mail to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: For information about the purpose or subject matter of this hearing call or write Michael A. Babich, Ph.D., Directorate for Epidemiology and Health Sciences, U.S. Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0994, extension 1383; fax (301) 504–0079. For information about the schedule for submission of written comments, requests to make oral presentations, and submission of texts of oral presentations, call or write Rockelle Hammond, Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0800, extension 1232; fax (301) 504–0127.

SUPPLEMENTARY INFORMATION: In 1994, the U.S. Consumer Product Safety Commission (''CPSC'') initiated a regulatory proceeding to address the hazard of small open flame ignitions of upholstered furniture. 59 FR 30735 (June 15, 1994). Small open flame sources include, for example, cigarette lighters, matches, and candles. Such ignitions of upholstered furniture are associated with an estimated 3,100 fires resulting in an estimated 100 deaths, 460 injuries, and $50 million in property damage per year in the U.S. The CPSC staff believes that a small open flame performance standard for upholstered furniture could effectively reduce the risk of death, injury, and property loss resulting from small flame ignitions (1).[1]

[1] Numbers in parentheses refer to documents listed at the end of this document. The documents are available at the Commission's Public Reading Room, 4330 East-West Highway, room 419, Bethesda, Maryland 20814. For information call the Office of the Secretary at (301) 504–0800.

The small open flame standard that the staff is considering would be a performance standard that specifies a requirement for flame resistance, but would not specify how furniture would have to be constructed to meet the standard. Manufacturers would be free to choose the means of complying with the standard. They could use inherently flame resistant textiles or apply FR treatments. Many different FR chemicals and combinations of chemicals are potentially available. FR chemicals could be incorporated within fibers, applied to the surface of the textile, or applied to the back of the textile in the form of a polymeric coating. Most cover fabrics currently used in upholstered furniture would require treatment with FR chemicals to pass the small open flame standard being considered by CPSC staff. Thus, a small open flame standard could result in the widespread use of FR chemicals in upholstered furniture manufactured for household use.

Possible Toxicity of FR Chemicals

The Commission is interested in information about the possible toxicity of FR chemicals for several reasons. In addressing the hazard associated with the small flame ignition of upholstered furniture, the Commission staff is working to develop a performance standard without creating additional health hazards to consumers or workers or harming the environment. The CPSC staff preliminarily considered the possible toxicity of FR chemicals to consumers. The staff believes that certain FR chemicals could probably be used without presenting a hazard to consumers (2). However, some questions remain, such as whether there is additional information on the chemicals the staff considered, possible hazards posed by new FR chemicals, the environmental impact of FR chemical usage and disposal, and the potential for worker exposure. Another issue is the possible smoke toxicity of FR-treated furniture. Therefore, the Commission is requesting additional information on these issues before considering a proposed rule.

The Federal Hazardous Substances Act (''FHSA'') and the Commission's chronic hazard guidelines provide guidance for determining whether a given FR chemical would present a hazard to consumers. 15 U.S.C. 1261 (f)(1)(A); 16 CFR 1500.135. Under the FHSA, toxicity, dose response, exposure, and bioavailability must be considered in assessing the potential hazard to consumers. Toxicity includes acute toxicity, as well as chronic health effects such as cancer, reproductive/developmental toxicity, and neurotoxicity. 16 CFR 1500.3(c)(ii). The dose response is a measure of the potency of a given FR chemical. Exposure is the amount of FR chemical that may come into contact with consumers. Bioavailability is the amount of FR chemical that is absorbed by the body. A given FR chemical would not present a hazard to consumers unless it is toxic, there is sufficient exposure, and enough is absorbed by the body to exceed the acceptable daily intake. See 15 U.S.C. 1261 (f)(1)(A); 16 CFR 1500.135.

The staff believes that in many cases, the FR chemicals would be applied in the form of a polymeric back-coating. Thus, exposure would depend on the ability of the FR chemical to migrate to the surface of the fabric. The back-coating is expected to reduce exposure because the FR chemical most commonly seen in the FR-treated fabrics to date is incorporated into the polymer and the polymer is on the back of the fabric. However, exposure might occur if the FR chemicals could be extracted during cleaning, or as a result of wear or abrasion or by contact with other liquids.

The CPSC staff reviewed all available data on the acute and chronic toxicity of 16 FR chemicals (2). Based on the available data, the staff determined that 15 of the 16 FR chemicals considered would not present a hazard to consumers. Seven of the chemicals would not be considered ''toxic'' under the FHSA. Others would not be expected to present a hazard due to low exposure or low bioavailability. However, these conclusions could change if additional information became available that indicated certain chemicals could present a hazard. For some chemicals, only limited information was available on toxicity, exposure, or bioavailability. Furthermore, other FR chemicals not reviewed by the staff may be available for use in upholstered furniture.

A related issue is whether the smoke from FR-treated furniture could be more toxic than the smoke from non-FR-treated furniture. Only the upholstery fabric would be treated with FR chemicals. Although the standard under consideration would require upholstered furniture to resist ignition from a small open flame, the furniture could still ignite in a larger fire. Smoke toxicity must be considered because most fire-related deaths are due to smoke inhalation, rather than burns. The staff reviewed all available data on the smoke toxicity of FR-treated products, and it determined that the smoke from FR-treated products was generally not more toxic than the smoke from non-FR-treated products (2). However, the Commission seeks additional information on this issue.

Other Uses of FR Chemicals

Although FR chemicals are not currently used in most residential upholstered furniture, they are used in a number of other applications. FR treatments may be used in some commercial grade upholstered furniture, carpets, wall coverings, and automobile and airplane upholstery. FR chemicals are used in other textile products, such as workwear and children's sleepwear, and in a wide variety of plastic containing products, such as printed circuit boards, and television and computer cabinets. FR chemicals are also used in upholstered furniture sold in California and the United Kingdom to comply with certain flammability requirements. Experience gained with these other applications may be relevant to upholstered furniture. The Commission solicits information from those familiar with these applications.

Request for Information

To obtain information relevant to these questions, the Commission will conduct a public hearing on May 5–6, 1998. The Commission solicits written comments and oral presentations of scientific and technical information, including unpublished toxicity studies, from all interested parties on the following topics:

I. FR Chemicals

A. FR chemicals and treatments that are potentially suitable for use in complying with the small open flame standard.

1. Are there any FR chemicals or classes of FR chemicals included in the staff's review (see reference 2) that would not be suitable for upholstered furniture fabrics or barriers?

2. Are there any chemicals that would be suitable for upholstered furniture but were not included in the staff's review?

3. How would each type of FR treatment be applied, that is, incorporated into the fiber, surface treatment, or back coating?

4. With what types of fibers and fabrics can each FR treatment be used?

B. FR chemicals that are currently used in other applications to which consumers may be exposed (such as children's sleepwear, commercial grade furniture, carpet, and wall coverings, automobile and airplane upholstery, and residential furniture sold in California and the U.K).

1. Would any of these chemicals not reviewed by the staff be suitable for upholstered furniture?

2. How does experience gained with these applications address outstanding issues with upholstered furniture?

II. Toxicity

A. Data or analyses, such as unpublished industry-sponsored studies, relating to the toxicity, dose response, bioavailability, or exposure of FR chemicals (both existing studies and those that are planned or underway).

B. Federal, state, and international programs for evaluating new and existing FR chemicals.

1. How can these programs limit the introduction of new hazardous FR chemicals that would be used in upholstered furniture?

2. Are any FR chemicals considered ''toxic'' or ''hazardous'' under any current federal or state programs, such as the Environmental Protection Agency (''EPA''), Occupational Safety and Health Administration (''OSHA''), and Department of Transportation (''DOT'')?

3. Are any FR chemicals currently on any regulatory lists, such as under the Resource Conservation and Recovery Act (''RCRA''), the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), Toxic Release Inventory (''TRI''), or the California Safe Drinking Water and Toxic Enforcement Act of 1986 (''Proposition 65'')?

4. If any are listed, what is the significance, if any, of being on the particular list, with regard to upholstered furniture?

C. Data or analyses relating to the smoke toxicity of FR-treated products, other than what was discussed in the staff toxicity review (including the need for any additional studies).

III. Exposure and Bioavailability

A. Possible consumer exposure to FR chemicals in upholstered furniture.

1. What scenarios and routes of exposure need to be considered to adequately assess consumer exposure to FR chemicals?

2. What must be considered to adequately assess exposure to children in particular?

B. Studies relating to bioavailability of FR chemicals, such as dermal absorption studies, that were not cited in the staff review.

C. Effect of aging and cleaning of furniture on exposure to FR chemicals.

1. Would the back-coating degrade over time? If so, under what circumstances?

2. Would cleaning with aqueous or non-aqueous agents extract FR chemicals?

3. How tightly would various FR chemicals be bound to or within the fabric or back-coating?

4. How would exposure to light, including ultraviolet and infrared, affect exposure to FR treatments?

5. Some FR treatments are considered to have low bioavailability due to high molecular weight. Could these FR chemicals degrade over time?

IV. Occupational Issues

A. Processes likely to be used to apply FR chemicals to the textiles used in upholstered furniture.

B. Effect of FR chemicals or treatments on workers who would be applying them to textiles or during the manufacture of upholstered furniture.

1. In industries where FR chemicals are currently used, what controls exist to protect workers?

2. What federal or state regulations are these industries subject to that are designed to protect workers?

C. Any controls that currently exist to protect workers from exposure to other chemicals or particles in the textile and upholstered furniture industry.

1. What federal or state regulations are textile and furniture manufacturers currently subject to that are designed to protect workers?

2. Would manufacturers be subject to any additional regulations if FR chemicals were introduced?

3. What additional controls, if any, would be required to protect workers from exposure to FR chemicals in these industries?

D. Cost of complying with additional regulations and implementing additional controls to protect workers, resulting from the use of FR chemicals in upholstered furniture, especially for small companies.

IV. Environmental Issues

A. Federal or state environmental regulations to which textile and upholstered furniture manufacturers are currently subject.

1. What environmental controls, if any, currently exist in these industries?

2. What additional federal or state regulations would textile and furniture manufacturers be subject to, if FR chemicals were introduced?

3. What additional environmental controls, if any, would be required?

B. Cost of complying with additional environmental regulations and implementing additional environmental controls, resulting from the introduction of FR chemicals into upholstered furniture, especially for small companies.

C. Federal or state transportation regulations to which FR chemicals would be subject and the likely cost of complying with them.

D. Any special disposal requirements when household furniture reaches the end of its useful life and any adverse impacts that disposal might have on the environment or human health.

E. If adopted, a small open flame standard could increase the overall production of FR chemicals. Beyond what is addressed in the previous questions, are there any known or likely environmental effects from the manufacture, use, or disposal of FR chemicals for use in upholstered furniture?

List of Relevant Documents

(Documents may be obtained from the Office of the Secretary or from the CPSC's web site at www.cpsc.gov.)

1. Briefing memorandum from Dale R. Ray, Project Manager, Directorate for Economic Analysis, to the Commission, ''Upholstered Furniture Flammability: Regulatory Options for Small Open Flame and Smoking Material Ignited Fires,'' October 24, 1997.

2. Memorandum from Lakshmi C. Mishra, Ph.D., Directorate for Epidemiology and Health Sciences, to Dale Ray, Project Manager, ''Toxicity of Flame Retardant Chemicals (FR's) Used in Upholstered Fabrics and the Toxicity of the Smoke from FR-treated Fabrics,'' October 1, 1997.

Dated: March 11, 1998.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 98–6904 Filed 2–16–98; 8:45 am]

BILLING CODE 6355–01–P

CONSUMER PRODUCT SAFETY COMMISSION

16 CFR Part 1700

Requirements for Child-Resistant Packaging; Minoxidil Preparations With More Than 14 mg of Minoxidil Per Package

AGENCY: Consumer Product Safety Commission.

ACTION: Proposed rule.

SUMMARY: The Commission is proposing a rule to require child-resistant (''CR'') packaging for minoxidil preparations containing more than 14 mg of minoxidil in a single package. The Commission has preliminarily determined that child-resistant packaging is necessary to protect children under 5 years of age from serious personal injury and serious illness resulting from handling or

ingesting a toxic amount of minoxidil. The Commission takes this action under the authority of the Poison Prevention Packaging Act of 1970.

DATES: Comments on the proposal should be submitted no later than June 1, 1998.

ADDRESSES: Comments should be mailed to the Office of the Secretary, Consumer Product Safety Commission, Washington, D.C. 20207, or delivered to the Office of the Secretary, Consumer Product Safety Commission, Room 502, 4330 East-West Highway, Bethesda, Maryland 20814–4408, telephone (301) 504–0800. Comments may also be filed by telefacsimile to (301) 504–0127 or by email to cpsc-os@cpsc.gov.

FOR FURTHER INFORMATION CONTACT: Suzanne Barone, Ph.D., Division of Health Sciences, Directorate for Epidemiology and Health Sciences, Consumer Product Safety Commission, Washington, D.C. 20207; telephone (301) 504–0477 ext. 1196.

SUPPLEMENTARY INFORMATION:

A. Background

1. Relevant Statutory and Regulatory Provisions

The Poison Prevention Packaging Act of 1970 (''PPPA''), 15 U.S.C. 1471–1476, authorizes the Commission to establish standards for the ''special packaging'' of any household substance if (1) the degree or nature of the hazard to children in the availability of such substance, by reason of its packaging, is such that special packaging is required to protect children from serious personal injury or serious illness resulting from handling, using, or ingesting such substance and (2) the special packaging is technically feasible, practicable, and appropriate for such substance.

Special packaging, also referred to as ''child-resistant'' (''CR'') packaging, is (1) designed or constructed to be significantly difficult for children under 5 years of age to open or obtain a toxic or harmful amount of the substance contained therein within a reasonable time and (2) not difficult for ''normal adults'' to use properly. 15 U.S.C. 1471(4). Household substances for which the Commission may require CR packaging include (among other categories) foods, drugs, or cosmetics as these terms are defined in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321). 15 U.S.C. 1471(2)(B). The Commission has performance requirements for special packaging. 16 CFR 1700.15, 1700.20. Under these requirements, most special packaging must be child-resistant (85 percent of a panel of 200 children cannot open it without a demonstration and 80 percent cannot open it with a demonstration) and senior-friendly (''SF'') (90 percent of a panel of 100 adults ages 50 to 70 must be able to open the packaging in a 5 minute test period and open and (if appropriate) properly resecure it in a 1 minute test). 16 CFR 1700.20(a)(2) and (3).

Section 4(a) of the PPPA, 15 U.S.C. 1473(a), allows the manufacturer or packer to package a nonprescription product subject to special packaging standards in one size of non-CR packaging only if the manufacturer (or packer) also supplies the substance in CR packages of a popular size, and the non-CR packages bear conspicuous labeling stating: ''This package for households without young children.'' 15 U.S.C. 1473(a), 16 CFR 1700.5.

2. Minoxidil

Topical minoxidil is a liquid medication that is applied to the scalp to stimulate hair regrowth for individuals with a common form of genetic hair loss (androgenetic alopecia). In February 1996, the Food and Drug Administration (''FDA'') approved the sale of topical minoxidil as an over-the-counter (''OTC'') drug available without a prescription. There is also a tablet form of minoxidil for treatment of severe hypertension that is available only by prescription. Like most oral prescription drugs, the prescription form of minoxidil must be in special packaging. 16 CFR 1700.14(a)(10). However, special packaging is not required for topical drugs unless the Commission takes specific action to require it.

Topical minoxidil first became available by prescription in 1988. The OTC preparation is currently marketed as a two percent solution in 60 percent alcohol, propylene glycol, and water. The package instructions direct the user to apply one milliliter (20 milligrams of minoxidil) to the scalp twice a day. This application generally must continue for four months for there to be any noticeable hair growth. Continuous application is necessary to maintain the newly grown hair. The most prevalent package size contains 60 milliliters of the preparation (1200 milligrams of minoxidil) which is a 30-day supply if used as directed.(2) [1] On November 14, 1997, the FDA approved for OTC use a 5% minoxidil solution for men. The package size is also 60 milliliters, and the recommended dosage is one milliliter (50 milligrams of minoxidil) applied twice a day. The total contents of the package is 3000 milligrams.

The Commission is aware of ten manufacturers that have FDA's approval to market the OTC two percent minoxidil solution. In addition, the Commission knows of six other companies—probably repackagers or relabelers—that sell the OTC minoxidil formulation. The year after FDA approved OTC status for topical minoxidil preparations, retail sales of topical minoxidil were about $200 million (approximately 8 million packages).(3)

Topical minoxidil formulations are generally packaged either for men or for women. Although the formulations are the same, the packaging and instructions are different. All the bottles the Commission is aware of are secured with CR/SF continuous threaded closures. In addition to the primary closure, the packages the Commission staff examined contain one or more applicators that are reasonably expected to be used to replace the primary closure once the product has been used for the first time.

The Commission staff examined nine topical minoxidil packages for men. These packages contained dropper applicators. In six of these, the droppers were CR/SF, the other three droppers were non-CR. Four of the packages for men also contained a metered finger mechanical sprayer applicator (hereafter referred to as a ''finger sprayer'') in addition to the dropper applicator. The finger sprayer releases the solution in a mist which the package insert claims may be more useful than a dropper for broader areas of hair loss. None of the finger sprayers are CR.(4)

Hair loss for women occurs as a thinning of the hair over a broad area on the top of the scalp rather than at the vertex. All four of the topical minoxidil packages for women that the staff examined contained the metered finger mechanical sprayer applicator. Two products for women included a CR/SF dropper in addition to the finger sprayer. Three packages for women included an extender attachment to fit onto the finger sprayer applicator allowing the solution to be applied closer to the scalp than the pump spray alone would manage. Neither the finger sprayers nor the extenders in the packages intended for women were CR.(4)

3. CR Packaging for Applicators

Because the topical minoxidil formulations are packaged with applicators that are reasonably expected to replace the primary closure of the product after its first use, the question

[1] Numbers in parentheses refer to documents listed at the end of this document.

arises whether the applicators themselves must be CR if the Commission requires CR packaging for the product. The Commission has not previously addressed this issue.

Under the PPPA, a ''package'' is the ''immediate container'' that holds a substance when it is located in the household. Specifically, the term ''package'' is defined as:

> the immediate container or wrapping in which any household substance is contained for consumption, use, or storage by individuals in or about the household.

15 U.S.C. 1471(3). The focus of this definition is on how the product is packaged in the home where it is ''contained for consumption, use or storage'' rather than its packaging in the store. This is fully consistent with the purpose of the statute, to reduce child poisonings from available household substances.

The exclusions from the definition of ''package'' also indicate that Congress was concerned with the package as maintained in the home. Congress excluded containers used only to transport the product. Thus, ''package'' does not include:

> (A) any shipping container or wrapping used solely for the transportation of any household substance in bulk or in quantity to manufacturers, packers, or processors, or to wholesale or retail distributors thereof, or
>
> (B) any shipping container or outer wrapping used by retailers to ship or deliver any household substance to consumers unless it is the only such container or wrapping.

Id.

The legislative history of the statute also supports the view that the ''package'' includes applicators that are reasonably expected to be used as closures in the home. The Senate Commerce Committee Report notes: ''The term 'package' was defined here to [sic] in order to make explicit that special packaging refers to that package in which the substance is kept in or around the house.'' S. Rep. 845, 91st Cong., 2d Sess. 9 (1970).

Thus, the Commission believes that when an applicator is packaged with a product that requires CR packaging and the applicator is reasonably expected to replace the original closure of the packaging, that applicator must also be CR. This does not mean that every applicator packaged with a substance requiring CR packaging must itself be CR. It is permissible for an applicator, such as a dropper, to be packaged with a product so long as the applicator cannot be used to replace the original closure.

Early in the Commission's administration of the PPPA, the staff recognized the potential problem posed by applicators used to replace original closures. Accordingly, the staff advised that dropper bottles are not excepted from the PPPA's requirements. In 1974, the staff advised the Arizona State Board of Pharmacy that if a manufacturer of prescription drugs dispensed with droppers could not provide CR closures incorporating the dropper, the drug could be packaged with a conventional CR closure accompanied by a separate non-closing dropper. (See letter to Alfred J. Duncan, Executive Secretary of the Arizona State Board of Pharmacy from Robert Poth, April 11, 1974.) This position was reiterated in an internal staff memorandum stating ''when a prescription drug is packaged in a dropper bottle, it is the dropper bottle that is the 'package' and any packaging exterior to this cannot be considered the 'package.' '' The memo continues: ''[U]ntil special packaging is available for the dropper unit itself, manufacturers should place the drug in a specially packaged bottle, with a separate dropper provided for proper administration of the drug. However, in our view, the separately provided dropper should not contain a cap, since the consumer would be apt to use the dropper and noncomplying cap permanently, and discard the special cap.'' (Memo from Poth and Lemberg, June 12, 1974.) The staff discussed this position with staff at the FDA a few months later. The FDA staff agreed with the Commission staff's approach. (Memorandum of meeting between FDA and CPSC representatives, October 15, 1974.)

Because the Commission has not previously addressed this question explicitly in a regulation, the proposed rule that the Commission issues today expressly states that applicators packaged with topical minoxidil that are reasonably expected to replace the original closures would be required to be CR and SF. The Commission recognizes that its other rules, such as the rule covering oral prescription drugs, do not contain such a provision. When previous special packaging rules were issued, few packages contained applicators that could be used as closures. Thus, previous rules did not expressly state that such applicator closures are ''packages'' under the PPPA. In order to clarify the issue, the Commission proposes to include such a statement in the proposed rule for minoxidil. The lack of such a statement in previous PPPA rules is not to be construed to mean applicator closures are exempt from special packaging requirements. As stated above, the Commission agrees with the staff's longstanding interpretation that special packaging requirements extend to applicators reasonably expected to replace primary closures when used and stored in the home.

B. Toxicity of Minoxidil

The Commission's Directorate for Epidemiology and Health Sciences reviewed the toxicity of minoxidil. This includes both information concerning the therapeutic ingestion of prescription minoxidil tablets to treat hypertension and ingestion of topical minoxidil. In either form, when it is ingested, minoxidil is rapidly and almost completely (over 95 percent) absorbed by the gastrointestinal tract and is distributed systematically throughout the body. In contrast, minoxidil is very poorly absorbed through the skin, and insufficient levels of minoxidil reach the bloodstream to cause effects on vascular and cardiac function. This is why a topical solution of two percent minoxidil is considered safe when used on the skin as directed but can be harmful if ingested.(2)

The tablet form of minoxidil is prescribed for use as an antihypertensive drug. It lowers blood pressure by relaxing the smooth muscle of the arteries. The body's nervous system responds by causing the heart to beat faster (tachycardia) and with more force (increased cardiac output) to compensate for the drop in blood pressure. Minoxidil tablets are typically used in combination with a β-adrenergic blocking agent and a diuretic to maximize its effect on blood pressure while minimizing associated side effects (the cardiac response and retention of fluids).(2)

The most prominent effects from therapeutic ingestion of minoxidil are increased heart rate, increased cardiac output and decreased blood pressure. When blood pressure becomes abnormally low (hypotension), it can lead to lethargy and lightheadedness with the possibility of damage to the heart and other tissues with high oxygen demand, if left untreated. Less frequent effects include salt and fluid retention and edema, aggravation of angina, and pericardial effusion (massive fluid accumulation around the heart) in patients with renal impairment. Repeated ingestion over several months can produce hypertrichosis (overstimulated hair growth) particularly to the face and to a lesser extent to the limbs and scalp. Less severe symptoms of nausea, headache, fatigue, and dermatologic reactions have been occasionally reported.(2)

Prescription minoxidil is available as 2.5 mg, 5 mg, and 10 mg tablets. The effective dosage is usually between 0.2 to 1 mg/kg/day (roughly 5 to 40 mg/day for an adult) depending on the individual and the desired antihypertensive response. Use in children has been limited with a similar effective body weight-normalized dose range as adults (0.2 to 1 mg/kg/day). Because of possible adverse effects, the maximum recommended daily therapeutic dosage is 100 mg in adults and 50 mg for children under the age of 12.(2)

C. Incident Data

The staff reviewed several sources for information of adverse health effects from ingestions of minoxidil. These sources are the American Association of Poison Control Centers (''AAPCC''), the FDA Spontaneous Reporting System (''SRS''), published reports in the medical literature, and reports from the injury surveillance databases maintained by the Commission. The most commonly cited injuries are prolonged hypotension and tachycardia that require hospitalization. There were reports of two deaths associated with minoxidil overdose.

AAPCC Data

The AAPCC collects reports made to participating poison control centers throughout the United States. A retrospective study evaluated AAPCC records of all minoxidil exposures from 1985 through 1991. (The study did not distinguish between ingestions of minoxidil tablets and topical solution.) During this time period, 285 incidents were reported. About half (51 percent) of these occurred in children under six years of age. Most of the 285 incidents were reportedly accidental ingestions (80%) and some involved co-ingestions (21%) of other substances. The most frequently reported adverse effects from 16 incidents involving moderate to severe poisoning were hypotension (69%), tachycardia (38%), and lethargy (31%) with 44% requiring medical treatment. Most of the more serious poisonings were intentional ingestions (69%) and involved co-ingestions (81%). It was not reported how many of these incidents occurred in children. There was one reported death caused by an intentional ingestion of minoxidil with other vasodilators, and acetaminophen.(2)

CPSC obtains annual AAPCC data on pediatric exposures to children under six years of age. Four accidental ingestions of topical minoxidil liquid were reported in 1995. (Prior to 1995, topical minoxidil was not given a specific code within the AAPCC database.) None of these four incidents led to serious toxicity. In 1996, the number of reported cases increased to 43. One of these exhibited moderate effects.

Because incidents involving minoxidil tablets (rather than topical solutions) are coded in a category that includes ''other vasodilators,'' it is not possible to isolate incidents specific to minoxidil tablets. There were two childhood ingestions of ''other vasodilators'' reported in 1995 that resulted in a moderate toxicity.(2)

FDA/SRS Database

The SRS is a database maintained by the FDA for reports of adverse reactions detected after a drug goes on the market. Drug manufacturers are required to report any known incidents of adverse effects associated with their products. However, the incident reports are not verified by the FDA, and therefore, the adverse effects may reflect underlying diseases or reactions to multiple drugs.

There have been 16,795 SRS reports on topical minoxidil between 1983 and March 1997. Most of the reported adverse effects were dermal reactions to excessive application of topical minoxidil to the scalp. However, FDA specifically cited five overdose ingestion cases involving topical minoxidil. Three of these led to serious outcomes.(2)

One of these cases was a suicide in which an adult male ingested the contents of five bottles (6 grams in 300 ml) of topical minoxidil and died. No other details were provided. A second case was an adult male who mistakenly ingested 15–20 ml (300—400 mg) of topical minoxidil and experienced fainting, severe hypotension, cardiac effects, and acute renal failure. The person was taking anti-hypertensive medication at the time of the poisoning but no other details of his prior medical condition were cited. The third case was an ingestion of topical minoxidil by a two-year-old child. She was found with an empty bottle that had been full earlier. She was admitted to an intensive care unit in a lethargic state with a pulse of 160 (above normal range), blood pressure of 106/60 (within normal limits), but was discharged the same day. The amount of minoxidil actually ingested was never established.(2)

In addition, two possible childhood ingestions of topical minoxidil were reported in SRS to result in hospital visits. In both incidents, no adverse outcomes were recorded but the children were retained at the hospital for observation. While the children gained access to the medication in these cases, the hospital suspected that no minoxidil was consumed.(2)

CPSC Databases

CPSC has several databases for poison incidents. The staff reviewed cases from 1988 to 1997 in the National Electronic Injury Surveillance System (''NEISS''). NEISS monitors emergency room visits to a statistically-based sample of selected hospitals throughout the United States. One childhood poisoning case associated with minoxidil was reported in the NEISS database during that time period. This was an ingestion of an unknown quantity of topical minoxidil by a two-year-old male. The child was seen in an emergency room with normal temperature, pulse, and respiration and was released the same day without treatment. It is not known whether the minoxidil package was secured with a child-resistant closure at the time of the incident.(2)

The staff also reviewed CPSC's Injury and Potential Injury Incident (''IPII'') files of consumer product-related incidents reported through letters, telephone calls, media articles and Death Certificate files of consumer product-related deaths. There were no minoxidil-related injuries or deaths found in these databases for the 1988 to 1997 time period.(2)

Medical Literature

Five case reports of injuries following minoxidil ingestion were found in the published literature. Two cases involved young children. In one instance, a two-year-old ingested an unconfirmed number of minoxidil tablets. In the second instance, a three-year-old swallowed an estimated 1–2 milliliters of three percent minoxidil solution (30–60 milligrams). Both children were seen at hospitals experiencing moderate tachycardia but no other reported abnormalities. The three other reports were intentional ingestions by adults of minoxidil tablets (one case) or two percent liquid (two cases). The latter two cases involved consumption of several hundred milligrams of minoxidil (10–20 mg/kg) along with alcohol and, in one case, several other substances. The clinical courses were similar. A few hours after ingestion, each individual was admitted to a hospital, usually in a disoriented and unresponsive state. They became moderately to severely hypotensive with tachycardia and elevated cardiac output. Medical treatment was administered and the patient's cardiac and vascular signs eventually normalized over the next 36 to 72 hours. In each instance, it was concluded that minoxidil was

primarily responsible for the observed effects, and that co-ingested substances were not consumed in amounts sufficient to cause the reported symptoms.(2)

D. Level for Regulation

The Commission is proposing a rule that would require special packaging for minoxidil products containing more than 14 mg of minoxidil in a single package. This is based on the maximum recommended therapeutic dose of minoxidil for an adult. The 14 mg dose level corresponds to 1.4 mg/kg for a 10 kg child. The equivalent minoxidil dose for the average 70 kg adult would be approximately 100 mg. The regulated dose level is expected to reasonably protect children under five years of age from serious personal injury or illness.(2)

E. Statutory Considerations

1. Hazard to Children

As noted above, the toxicity data concerning ingestion of minoxidil demonstrate that minoxidil can cause serious illness and injury to children. Moreover, it is available to children in OTC topical minoxidil preparations. Although as far as the Commission is aware, all primary product containers for topical minoxidil products currently use CR packaging, all applicators are not CR. Some packages contain applicators meant to be used as closures after first use which are not CR. The Commission preliminarily concludes that a regulation is needed to ensure that products subject to the regulation, including applicators which it is reasonable to expect may be used to replace the original closures, will be placed in CR packaging by any current as well as new manufacturers.

Pursuant to section 3(a) of the PPPA, 15 U.S.C. 1472(a), the Commission preliminarily finds that the degree and nature of the hazard to children from handling or ingesting minoxidil is such that special packaging is required to protect children from serious illness. The Commission bases this finding on the toxic nature of minoxidil products and their accessibility to children in the home.

2. Technical Feasibility, Practicability, and Appropriateness

In issuing a standard for special packaging under the PPPA, the Commission is required to find that the special packaging is ''technically feasible, practicable, and appropriate.'' 15 U.S.C. 1472(a)(2). Technical feasibility may be found when technology exists or can be readily developed and implemented by the effective date to produce packaging that conforms to the standards. Practicability means that special packaging complying with the standards can utilize modern mass production and assembly line techniques. Packaging is appropriate when complying packaging will adequately protect the integrity of the substance and not interfere with its intended storage or use.

a. Primary Product Containers

The primary product containers for all topical minoxidil products that the Commission is aware of have continuous threaded reclosable packaging. All of these closures that the staff examined were CR and SF. Thus, it is clear that CR packaging for primary product containers is technically feasible, practicable and appropriate.(4)

b. Applicators

As discussed above, topical minoxidil packages contain applicators—droppers and/or metered finger mechanical sprayers—which it is reasonable to expect may replace the original closures. Eight products have droppers that are CR and SF. This indicates that such droppers are technically feasible, practicable and appropriate.(4)

The Commission knows of eight minoxidil products that include a non-CR finger sprayer. Child-resistance for a finger sprayer means that it must be significantly difficult for children to (1) remove the finger sprayer closure from the container and (2) activate the finger sprayer mechanism to obtain an amount above the regulated level. One packaging manufacturer has developed a prototype CR metered finger sprayer applicator which the manufacturer believes can be modified to pass senior adult effectiveness testing in approximately 12 months. Additional time may be required to provide commercial quantities of this type of packaging. As discussed above, an applicator that cannot be used as a closure does not need to be CR.(4)

Three products for women also contain an extender to be used with the finger sprayer. Under the proposed rule, when the extender is attached to the finger sprayer, this applicator mechanism must be CR. That is, it must be significantly difficult for children to (1) remove the combined finger sprayer and extender from the container and (2) activate the combined finger sprayer and extender to obtain an amount above the regulated level. Currently no finger sprayers with extenders are CR. As noted above, CR/SF finger sprayer could be developed within 12 months. Some modifications to the extender may be needed so that it would operate with the CR finger sprayer.(4)

3. Other Considerations

In establishing a special packaging standard under the PPPA, the Commission must consider the following:

a. The reasonableness of the standard;

b. Available scientific, medical, and engineering data concerning special packaging and concerning childhood accidental ingestions, illness, and injury caused by household substances;

c. The manufacturing practices of industries affected by the PPPA; and

d. The nature and use of the household substance. 15 U.S.C. 1472(b).

The Commission has considered these factors with respect to the various determinations made in this notice, and preliminarily finds no reason to conclude that the rule is unreasonable or otherwise inappropriate.

F. Effective Date

The PPPA provides that no regulation shall take effect sooner than 180 days or later than one year from the date such final regulation is issued, except that, for good cause, the Commission may establish an earlier effective date if it determines an earlier date to be in the public interest. 15 U.S.C. 1471n.

Senior-friendly special packaging is currently commercially available for most types of CR packaging. Primary product containers for topical minoxidil are already CR and SF. Most droppers that can be used to replace the original closures are also CR and SF. One packaging manufacturer has developed a prototype CR finger sprayer that the manufacturer believes can be modified to pass senior adult effectiveness testing in approximately 12 months. Additional time may be required to provide commercial quantities of this type of packaging. Modifications to the extender would likely require a similar amount of time. Thus, the Commission proposes that a final rule would take effect (1) six months after publication of the final rule for primary closures and dropper applicators and (2) 12 months after publication of the final rule for metered finger sprayer applicators and extenders. The Commission also proposes that if additional time is necessary to produce commercial quantities, manufacturers could request a temporary stay of enforcement for the finger sprayer and extender. A final rule would apply to products that are packaged on or after the effective date.

G. Regulatory Flexibility Act Certification

When an agency undertakes a rulemaking proceeding, the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, generally requires the agency to prepare proposed and final regulatory flexibility analyses describing the impact of the rule on small businesses and other small entities. Section 605 of the Act provides that an agency is not required to prepare a regulatory flexibility analysis if the head of an agency certifies that the rule will not have a significant economic impact on a substantial number of small entities.

The Commission's Directorate for Economic Analysis prepared a preliminary assessment of the impact of a rule to require special packaging topical minoxidil products containing more than 14 mg of minoxidil in a single package.

This assessment reports that the staff is aware of 16 marketers of minoxidil-containing products. Ten of these are manufacturers, and two of the ten are small companies.(3)

As mentioned above, at the present time, the primary packaging for all topical minoxidil products is CR. Thus, there will be no additional cost to existing firms to use CR primary packaging. Firms entering the market in the future will find readily available CR primary packaging at prices competitive with non-CR packaging.(3)

Similarly, companies now using CR dropper applicators that can be used as closures will not incur any additional cost. For other companies to switch from non-CR droppers, there is an estimated 5 cent incremental cost of a CR dropper compared with a non-CR dropper. This cost is small relative to the retail price of a minoxidil product ($6–$30).(3)

Because there are no CR metered finger mechanical sprayer applicators or extenders currently on the market, the staff has no information on the incremental cost of senior friendly CR finger sprayers and extenders.(3) Firms do have the option of supplying only a CR/SF dropper applicator. They also could supply any type of applicator that cannot be used as a closure.

Based on this assessment, the Commission preliminarily concludes that the proposed requirement for minoxidil products would not have a significant impact on a substantial number of small businesses or other small entities. The Commission seeks additional information on the possible impact on small business.

H. Environmental Considerations

Pursuant to the National Environmental Policy Act, and in accordance with the Council on Environmental Quality regulations and CPSC procedures for environmental review, the Commission has assessed the possible environmental effects associated with the proposed PPPA requirements for minoxidil-containing products.

The Commission's regulations state that rules requiring special packaging for consumer products normally have little or no potential for affecting the human environment. 16 CFR 1021.5(c)(3). Nothing in this proposed rule alters that expectation.(3) Therefore, because the rule would have no adverse effect on the environment, neither an environmental assessment nor an environmental impact statement is required.

I. Executive Orders

According to Executive Order 12988 (February 5, 1996), agencies must state in clear language the preemptive effect, if any, of new regulations.

The PPPA provides that, generally, when a special packaging standard issued under the PPPA is in effect, ''no State or political subdivision thereof shall have any authority either to establish or continue in effect, with respect to such household substance, any standard for special packaging (and any exemption therefrom and requirement related thereto) which is not identical to the [PPPA] standard.'' 15 U.S.C. 1476(a). A State or local standard may be excepted from this preemptive effect if (1) the State or local standard provides a higher degree of protection from the risk of injury or illness than the PPPA standard; and (2) the State or political subdivision applies to the Commission for an exemption from the PPPA's preemption clause and the Commission grants the exemption through a process specified at 16 CFR Part 1061. 15 U.S.C. 1476(c)(1). In addition, the Federal government, or a State or local government, may establish and continue in effect a non-identical special packaging requirement that provides a higher degree of protection than the PPPA requirement for a household substance for the Federal, State or local government's own use. 15 U.S.C. 1476(b).

Thus, with the exceptions noted above, the proposed rule requiring CR packaging for products containing more than 14 mg minoxidil would preempt non-identical state or local special packaging standards for such minoxidil containing products.

In accordance with Executive Order 12612 (October 26, 1987), the Commission certifies that the proposed rule does not have sufficient implications for federalism to warrant a Federalism Assessment.

List of Relevant Documents

1. Briefing memorandum from Val Schaeffer, Ph.D., EH, to the Commission, ''Proposed Rule to Require Child-Resistant Packaging for Topical Minoxidil,'' February 10, 1998.

2. Memorandum from Val Schaeffer, Ph.D., EH, to Marilyn Wind, Ph.D., Director, Health Sciences Division, ''Toxicity Assessment of Topical Minoxidil,'' November 14, 1997.

3. Memorandum from Marcia P. Robins, EC, to Val Schaeffer, Ph.D., EH, ''Economic Considerations of a Proposal to Require Child-Resistant Packaging for Drug Preparations Containing Minoxidil,'' January 5, 1998.

4. Memorandum from Charles Wilbur, EH, to Val Schaeffer, Ph.D., EH, ''Technical Feasibility, Practicability, and Appropriateness Determination for the Proposed Rule to Require Special Packaging for Products Containing Minoxidil,'' December 16, 1997.

5. Memorandum from Michael T. Bogumill, CRM, to Val Schaeffer, Ph.D., EH, ''Special Packaging of Oral Prescription Drugs in Dropper Bottles,'' December 17, 1997.

List of Subjects in 16 CFR Part 1700

Consumer protection, Drugs, Infants and children, Packaging and containers, Poison prevention, Toxic substances.

For the reasons given above, the Commission proposes to amend 16 CFR part 1700 as follows:

PART 1700—[AMENDED]

1. The authority citation for part 1700 continues to read as follows:

Authority: Pub. L. 91–601, secs. 1–9, 84 Stat. 1670–74, 15 U.S.C. 1471–76. Secs. 1700.1 and 1700.14 also issued under Pub. L. 92–573, sec. 30(a), 88 Stat. 1231. 15 U.S.C. 2079(a).

2. Section 1700.14 is amended by adding new paragraph (a)(28) to read as follows (although unchanged, the introductory text of paragraph (a) is included for context):

§ 1700.14 Substances requiring special packaging.

(a) *Substances.* The Commission has determined that the degree or nature of the hazard to children in the availability of the following substances, by reason of their packaging, is such that special packaging meeting the requirements of § 1700.20(a) is required to protect

children from serious personal injury or serious illness resulting from handling, using, or ingesting such substances, and the special packaging herein required is technically feasible, practicable, and appropriate for these substances:

* * * * *

(28) *Minoxidil.* Minoxidil preparations for human use and containing more than 14 mg of minoxidil in a single retail package shall be packaged in accordance with the provisions of § 1700.15 (a), (b) and (c). Any applicator packaged with the minoxidil preparation and which it is reasonable to expect may be used to replace the original closure shall also comply with the provisions of § 1700.15 (a), (b) and (c).

* * * * *

Dated: March 11, 1998.

Sadye E. Dunn,

Secretary, Consumer Product Safety Commission.

[FR Doc. 98–6773 Filed 3–16–98; 8:45 am]

BILLING CODE 6355–01–P

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 1

Proposed Rulemaking Concerning Account Identification for Eligible Bunched Orders

AGENCY: Commodity Futures Trading Commission.

ACTION: Extension of comment period on proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission has reproposed to amend Commission Regulation 1.35(a–1) to permit eligible customer orders to be placed on a contract market without individual customer account identifiers either at the time of order placement or the time of report of execution. Specifically, the proposal would exempt from the customer account identification requirements of Regulation 1.35(a–1)(1), (2)(i), and (4) bunched futures and/or option orders placed by an eligible account manager on behalf of consenting eligible customer accounts as part of its management of a portfolio also containing instruments which are either exempt from regulation pursuant to the Commission's regulations or excluded from regulation under the Commodity Exchange Act. The proposed rule would permit orders entered on behalf of these accounts to be allocated no later than the end of the day on which the order is executed. The proposed rulemaking was in initially published for comment on January 7, 1998 (63 FR 695) with comments on the proposal due by March 9, 1998. In response to requests from the Futures Industry Association, the Managed Funds Association, the Investment Company Institute, and the New York Mercantile Exchange, the Commission has determined to extend the comment period on this proposal for an additional seven days. The extended deadline for comments on this proposed rulemaking is March 16, 1998. In response to requests from the Futures Industry Association, the Managed Funds Association, the Investment Company Institute, and the New York Mercantile Exchange, the Commission has determined to extend the comment period on this proposal for an additional seven days. The extended deadline for comments on this proposed rulemaking is March 16, 1998.

Any person interested in submitting written data, views, or arguments on the proposals should submit such views and comments by the specified date to Jean A. Webb, Secretary, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, DC 20581. In addition, comments may be sent by facsimile transmission to facsimile number (202) 418–5521, or by electronic mail to secretary@cftc.gov.

DATES: Comments must be received on or before March 16, 1998.

FOR FURTHER INFORMATION CONTACT: Duane C. Andresen, Special Counsel, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, NW, Washington, DC 20581. Telephone: (202) 418–5490.

Issued in Washington, D.C., on this 11th day of March, 1998, by the Commodity Futures Trading Commission.

Jean A. Webb,

Secretary on the Commission.

[FR Doc. 98–6769 Filed 3–16–98; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Parts 101 and 122

Customs Service Field Organization: Establishment of Port of Entry in Fort Myers, FL

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: This document proposes to amend the Customs Regulations pertaining to the field organization of the Customs Service by designating Fort Myers, Florida, as a port of entry. The new port of entry would include Southwest Florida International Airport, which is currently a user fee airport. The geographical boundaries of the new port will be the same as those of Lee County, Florida. The change is being proposed as part of Customs continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers and the general public.

DATES: Comments must be received on or before May 18, 1998.

ADDRESSES: Written comments (preferably in triplicate) may be submitted to the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Third Floor, 1300 Pennsylvania Avenue N.W., Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Harry Denning, Office of Field Operations, 202–927–0196.

SUPPLEMENTARY INFORMATION:

Background

As part of a continuing program to obtain more efficient use of its personnel, facilities, and resources, and to provide better service to carriers, importers, and the general public, Customs is proposing to amend §§ 101.3(b)(1) and 122.15(b), Customs Regulations (19 CFR 101.3(b)(1) and 122.15(b)), by designating Fort Myers, Florida, as a port of entry. The Lee County Port Authority of Florida requested this designation. The geographical boundaries of the new port will be the same as those of Lee County, Florida, and will include the Southwest Florida International Airport (hereafter known as SFIA). SFIA is currently a user fee airport.

The criteria used by Customs in determining whether to establish a port of entry are found in T.D. 82–37 (47 FR 10137), as revised by T.D. 86–14 (51 FR 4559) and T.D. 87–65 (52 FR 16328). Under these criteria, which are not absolute, a community requesting a port of entry designation must: (1) Demonstrate that the benefits to be derived justify the Federal Government expense involved; (2) be serviced by at least two major modes of transportation (rail, air, water or highway); (3) have a minimum population of 300,000 within the immediate service area (approximately a 70 mile radius); and (4) make a commitment to make optimal use of electronic data transfer capabilities to permit integration with Customs Automated Commercial System (ACS), which provides a means for the electronic processing of entries

of imported merchandise. Further, the actual or potential Customs workload (i.e., number of transactions per year) at the proposed port of entry must meet one of several alternative minimum requirements, among which are 15,000 passenger arrivals per year. Finally, facilities at the proposed port of entry must include cargo and passenger facilities, warehousing space for the secure storage of imported cargo pending final Customs inspection and release, and administrative office space, inspection areas, storage areas and other space necessary for regular Customs operations.

The request for port of entry status states that there will be several Federal Government benefits if the port of entry is approved. As tourism is on the rise in the Fort Myers area and there is an ever increasing demand for goods in that area, the SFIA airport located within the proposed port of entry would assist in moving aircraft, passengers and cargo efficiently.

The proposed port of Fort Myers is serviced by air, by highway and by railroad spur. SFIA is ranked the 56th busiest airport in North America. It is located three miles from Interstate 75, providing easy access to other points in Florida and the United States. The airport is adjacent to a railroad spur which allows Seminole Gulf Railway to provide freight service to the area.

The proposed port of Fort Myers includes all of Lee County, Florida. In a 70 mile radius, including Sarasota, the population is already well over one million people.

The proposed port of Fort Myers meets the criteria for a port of entry in terms of number of international passengers; SFIA far exceeds the 15,000 international passengers per year criterion. In 1996, Customs cleared flights carrying 57,962 arriving international passengers at SFIA. There were 58,431 outbound international passengers during the same time period.

All the U.S. government agencies which must be included in a port are already in place because SFIA is currently a user fee airport. In addition, Customs has the concurrence of other necessary federal agencies. The facilities required for these other federal agencies are already present because SFIA is a user fee airport. The requisite electronic data processing systems are also in place.

Based on the information provided above, Customs believes that Fort Myers meets the current standards for port of entry designations set forth in T. D. 82–37, as revised by T. D. 86–14 and T. D. 87–65. If Fort Myers is established as a port of entry, SFIA would lose its status as a user fee airport.

Proposed Limits of Port of Entry

The geographical limits of the proposed port of entry of Fort Myers, Florida, would be the same as those of Lee County, Florida, which includes SFIA and the city of Fort Myers.

Proposed Amendments

If the proposed port of entry designation is adopted, the list of Customs ports of entry in 19 CFR 101.3(b)(1) and the list of user fee airports in § 122.15(b) will be amended accordingly.

Comments

Before adopting this proposal, consideration will be given to any written comments timely submitted to Customs. Comments submitted will be available for public inspection in accordance with the Freedom of Information Act (5 U.S.C. 552), § 1.4, Treasury Department Regulations (31 CFR 1.4) and § 103.11(b), Customs Regulations (19 CFR 103.11(b)), on regular business days between the hours of 9 a.m. and 4:30 p.m. at the Regulations Branch, Office of Regulations and Rulings, U.S. Customs Service, Third Floor, 1300 Pennsylvania Avenue N.W., Washington, D.C.

Authority

This change is proposed under the authority of 5 U.S.C. 301 and 19 U.S.C. 2, 66 and 1624.

The Regulatory Flexibility Act and Executive Order 12866

Customs establishes, expands, and consolidates Customs ports of entry throughout the United States to accommodate the volume of Customs-related activity in various parts of the country. Although this document is being issued for public comment, it is not subject to the notice and public procedure requirements of 5 U.S.C. 553 because it relates to agency management and organization. Accordingly, this document is not subject to the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Agency organization matters such as this are exempt from consideration under Executive Order 12866.

Drafting Information: The principal author of this document was Janet L. Johnson, Regulations Branch. However, personnel from other offices participated in its development.

D. M. Browning,

Acting Commissioner of Customs.

Approved: February 23, 1998.

Dennis M. O'Connell,

Acting Deputy Assistant Secretary of the Treasury.

[FR Doc. 98–6882 Filed 3–16–98; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF STATE

22 CFR Part 41

[Public Notice 2763]

Bureau of Consular Affairs; Documentation of Nonimmigrants Under the Immigration and Nationality Act, as Amended—Filing an Application

AGENCY: Bureau of Consular Affairs, DOS.

ACTION: Proposed rule.

SUMMARY: Consular offices abroad have been experiencing an ever-increasing volume of nonimmigrant visa (NIV) applications. Some have had to begin declining to accept new applications from persons denied as intending immigrants in the recent past. This proposed rule would put this practice on a regulatory footing by formalizing a non-acceptance-for-six-months policy with respect to a new application from an alien whose prior NIV application has been refused under the provisions of INA 214(b).

DATES: Written comments must be received on or before May 18, 1998.

ADDRESSES: Written comments should be submitted, in duplicate, to the Chief, Legislation and Regulations Division, Visa Services, Department of State, Washington, D.C. 20520–0106.

FOR FURTHER INFORMATION CONTACT: H. Edward Odom, Chief, Legislation and Regulations Division, Visa Services, CA/VO/L/R, Department of State, Washington, D.C. 20520–0106, (202) 663–1204.

SUPPLEMENTARY INFORMATION: Section 214(b) of the Immigration and Nationality Act (INA) establishes a presumption that an alien is an intending immigrant unless he or she can establish entitlement to a nonimmigrant classification. Moreover, for certain classes of nonimmigrants, there is also a statutory requirement incorporated in the definitions of those nonimmigrant classifications (INA 101(a)(15)) that the alien establish that he or she has a residence abroad which

the alien has no intention of abandoning. This is most commonly shown by possession of a well-paying job, a home, family or other ties, etc. which would, in themselves, compel the alien to return voluntarily to that place after a temporary period in the United States. Traditionally, the class of nonimmigrant most likely to fail this test is visitor for business or pleasure (''B'') under INA 101(a)(15)(B). An applicant may request reconsideration by the refusing consular officer and all refusals must, by regulation (41.121(c)), be reviewed within 120 days by a senior officer, who looks at the information as originally before the consular officer. While an applicant may also file an entirely new application, the sooner such a new application is filed after the original application, the less likely it is that conditions relevant to the intending immigrant issue will have so changed as to warrant issuance of a visa on the new application.

Nonetheless, at a number of consular offices, significant resources are spent on ''re-applications'' based on nothing more than the original application, resources that the posts cannot afford no matter how strong their ''service'' orientation. Many posts continue to experience increasing workloads without concomitant increasing staffs. Some posts have therefore instituted local policies, similar to the proposed rule, to limit expenditure of time and space on the many re-applications which are non-meritorious, while reserving discretion to accept re-applications in special circumstances, such as genuine (documentable) emergencies. The Department believes it preferable to have this procedure reflected in uniformly applicable regulations as other procedures generally are.

The rules at 22 CFR 41.103(a) outline the general procedures for filing an application for a nonimmigrant visa, and are thus the logical location for this proposed rule. No regulation could prevent an alien from filling out an application form; it is possible, however, to prevent its ''filing'', i.e., acceptance for adjudication by a consular officer.

This rule is proposed under the authority of INA 104 which invests in the Secretary of State the right to promulgate regulations necessary to administer immigration laws relating to the duties and functions of consular officers.

This rule is not expected to have a significant impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. In addition, this rule imposes no reporting or record-keeping action on the public requiring the approval of the Office of Management and Budget under the Paperwork Reduction Act. This rule has been reviewed as required under E.O. 12998 and determined to be in compliance therewith.

This rule is exempt from review under E.O. 12866, but has been reviewed internally to ensure consistency therewith.

List of Subjects in 22 CFR Part 41

Aliens, Nonimmigrants, Passports, Visas.

In view of the foregoing, 22 CFR Part 41 is proposed to be amended as follows:

PART 41—[AMENDED]

1. The authority citation for Part 41 continues to read:

Authority: 8 U.S.C. 1104.

2. Section 41.103 is amended by adding paragraph (a)(4), to read as follows:

§ 41.103 Filing an application and Form OF–156

* * * * *

(4) A consular officer may refuse to accept for adjudication an application for a nonimmigrant visa from an applicant whose prior application at that post was denied under the provisions of INA 214(b) within the preceding six months, unless the applicant presents significantly different new evidence or evidence of a genuine emergency.

* * * * *

Dated: March 10, 1998.

Mary A. Ryan,

Assistant Secretary for Consular Affairs.

[FR Doc. 98–6826 Filed 3–16–98; 8:45 am]

BILLING CODE 4710–06–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 98–30; RM–9228]

Radio Broadcasting Services; Shenandoah, VA

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Daryl A. Alligood requesting the allotment of Channel 296A to Shenandoah, Virginia, as the community's first local aural transmission service. Channel 296A can be allotted to Shenandoah in compliance with the Commission's minimum distance separation requirements with a site restriction of 2.1 kilometers (1.3 miles) northeast of the community in order to avoid a short-spacing conflict with the licensed operation of Station WCHG(FM), Channel 296A, Hot Springs, Virginia. The coordinates for Channel 296A are 38–30–00 NL and 78–36–33 WL. Since the proposal is located within the protected areas of the National Radio Astronomy Observatory ''Quiet Zone'' at Green Bank, West Virginia, petitioner will be required to comply with the notification requirement of § 73.1030(a) of the Commission's Rules.

DATES: Comments must be filed on or before April 27, 1998, and reply comments on or before May 12, 1998.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Daryl A. Alligood, 1104 New Mill Drive, Chesapeake, Virginia 23320 (petitioner).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–2180.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rulemaking, MM Docket No. 98–30, adopted February 25, 1998, and released March 6, 1998. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room 239), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, ITS, Inc., (202) 857–3800, 1231 20th Street, NW, Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rulemaking is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

John A. Karousos,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 98–6850 Filed 3–16–98; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 648

[Docket No. 980302051–8051–01; I.D. 021198B]

RIN 0648–AK78

Fisheries of the Northeastern United States; Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries; Recreational Measures for the 1998 Summer Flounder, Scup, and Black Sea Bass Fisheries

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Proposed rule, request for comments.

SUMMARY: NMFS issues this proposed rule to amend the regulations implementing the Fishery Management Plan for the Summer Flounder, Scup, and Black Sea Bass Fisheries (FMP). This rule proposes a possession limit of 8 fish per person and a minimum fish size of 15 inches (38 cm) for the 1998 summer flounder recreational fishery; a minimum fish size of 10 inches (25.4 cm) and an August 1 through August 15 seasonal closure for the 1998 black sea bass recreational fishery; and no change in the current regulations for the 1998 scup recreational fishery. The intent of this rule is to comply with the FMP implementing regulations that require NMFS to publish measures for the upcoming fishing year that will prevent overfishing of these resources.

DATES: Public comments must be received on or before April 16, 1998.

ADDRESSES: Copies of the Environmental Assessment prepared for the 1998 summer flounder, scup, and black sea bass specifications and supporting documents used by the Monitoring Committees are available from: Executive Director, Mid-Atlantic Fishery Management Council, Room 2115, Federal Building, 300 S. New Street, Dover, DE 19901–6790. Comments on the proposed rule should be sent to: Andrew A. Rosenberg, Ph.D., Regional Administrator, Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930. Please mark the outside of the envelope ''Comments on the 1998 Recreational Fishing Measures for Summer Flounder, Scup, and Black Sea Bass.''

FOR FURTHER INFORMATION CONTACT: David M. Gouveia, Fishery Management Specialist, (978) 281–9280.

SUPPLEMENTARY INFORMATION: The FMP was developed jointly by the Atlantic States Marine Fisheries Commission (Commission) and the Mid-Atlantic Fishery Management Council (Council) in consultation with the New England and South Atlantic Fishery Management Councils. Implementing regulations for the fishery are found at 50 CFR part 648.

Sections 648.100, 648.120, and 648.140 outline the process for determining annual commercial and recreational catch quotas and other restrictions for the summer flounder, scup, and black sea bass fisheries. Pursuant to the FMP, Monitoring Committees (Committee) have been established for each of the three fisheries. Each Committee is comprised of representatives from the Commission, NMFS, and the Mid-Atlantic, New England, and South Atlantic Fishery Management Councils. The FMP requires each Committee to review, on an annual basis, scientific and other relevant information and to recommend harvest limits and other restrictions necessary to achieve the fishing mortality rates (F) of the summer flounder, scup, and black sea bass fisheries. For 1998, the FMP defines F as 0.24 for summer flounder; 0.72 for scup; and 0.73 for black sea bass.

Each Committee reviews the following information annually: (1) Commercial and recreational catch data; (2) current estimates of stock mortality; (3) stock status; (4) recent estimates of recruitment; (5) virtual population analysis (a method for analyzing fish stock abundance); (6) levels of regulatory noncompliance by fishermen or individual states; (7) impact of fish size and net mesh regulations; (8) impact of gear, other than otter trawls, on the mortality of summer flounder; and (9) other relevant information. Pursuant to §§ 648.100, 648.120, and 648.140, after this review, each Committee recommends to the Council and Commission management measures to assure achievement of the appropriate fishing mortality rate for each fishery. The Council and Commission, in turn, make a recommendation to the Regional Administrator.

Final specifications for the 1998 summer flounder, scup, and black sea bass fisheries were published on December 18, 1997 (62 FR 66304), including a coastwide recreational harvest limit of 7.41 million lb (3.36 million kg) for summer flounder; 1.553 million lb (0.70 million kg) for scup; and 3.148 million lb (1.43 million kg) for black sea bass. The recreational season, possession limit, and minimum size for 1998 were not established as part of the final specifications because recreational catch data for 1997 were not available for the Committees' use in evaluating the effectiveness of the 1997 measures. Shortly after preliminary data became available, each Committee met to review the 1997 data and to recommend measures for the 1998 recreational fisheries intended to complement the recreational harvest limits.

Summer Flounder

Using available data and catch estimates for the final months of 1997, the Council estimates that the summer flounder recreational sector exceeded its harvest limit by approximately 1.88 million lb (0.85 million kg). Since the 1998 specifications allocate the same recreational harvest level as in 1997 (7.41 million lb (3.36 million kg)), a 20.2 percent reduction in recreational landings from the 1997 level is needed. To accomplish this reduction, the Committee recommended either increasing the recreational minimum fish size to 15 inches (38 cm) and reducing the possession limit to 6 fish per person or maintain the minimum size at 14.5 inches (36.8 cm) and reduce the possession limit to 3 fish per person.

The Council and Commission reviewed the Committee recommendation but felt it was more restrictive than necessary. Instead, to achieve the needed reduction, the Council and the Commission proposed two alternative options, and proposed to allow each state to select either of the two sets of measures for implementation. The first option recommended an increase in the recreational minimum fish size to 15 inches (38 cm) and a reduction in the possession limit from 10 to 8 fish per person. The second option would maintain the minimum size at 14.5 inches (36.8 cm) and reduce the possession limit to six fish per person. Additionally, the second option included a closed season provision that would reduce the 1998 landings in a state by 8 percent from its 1997 landings level. The reduction attributed to each month would be calculated based on 1992–96 data.

The request by the Council to implement two distinct management regimes for summer flounder triggered

lengthy discussion concerning the legality of submitting alternative proposals to NMFS for review. The Council noted that if it was not found to be a legal option, it recommended the 15–inch (38–cm) minimum size and eight fish per person possession limit. At the December 1997 Council meeting, the Regional Attorney, Northeast Region, was asked for legal advice with respect to this issue. At that time, the Regional Attorney advised preliminarily that the underlying amendments (Amendment 2 for Summer Flounder and Amendment 9 for Black Sea Bass), did allow the setting of alternative possession limits and minimum sizes for summer flounder and black sea bass. The Regional Attorney also opined that the amendments did not allow a closure other than before and after a solitary continuous open season. After a more thorough review, the Regional Attorney advised that the amendments do not allow the Council to recommend alternative minimum sizes and possession limits or the states to adopt a minimum size or possession limit that differs from the measures specified by the Council. Therefore, NMFS is proposing to increase the recreational minimum fish size to 15 inches (38 cm) and to reduce the possession limit from 10 to 8 fish per person.

The Council believes that this combination of limits—the 15–inch (38–cm) minimum fish size and the eight fish possession limit—will constrain anglers to the 7.41 million lb (3.36 million kg) harvest limit in 1998. The possession limit is higher than that recommended by the Committee, which felt that it must be reduced to compensate for increased fish availability as the stock rebuilds. However, the eight fish per person limit is projected to reduce recreational landings by approximately 23 percent even if only 75 percent of the anglers comply with the proposed restrictions. Many Council members believe compliance is higher than 75 percent and the reduction in landings will be greater if that is true.

NMFS concurs with the Council recommendation. The analysis indicates that the decrease in the possession limit and the increase in the minimum fish size is expected to constrain the harvest to the specified level. In addition to these measures, the Council and Commission took action to reduce discard mortality associated with the recreational fishery. This complements the action it took for the commercial fishery by requiring each state to establish a 15 percent commercial quota set aside for a bycatch fishery.

During the 1998 fishery, the Council intended to recommend a recreational hook requirement to address discard mortality in the summer flounder recreational sector. Because there are so few studies available on which to base hook size requirements for summer flounder, the Council and Commission took action based on the limited studies available and the testimony from fishery participants. Accordingly, they intend to publicize their support for voluntary use of circle hooks greater than 2/0 in size when fishing for summer flounder. Given the absence of definitive data, NMFS believes this is a reasonable way to begin to address this issue for the recreational fishery.

Black Sea Bass

The first year that the FMP requires specification of a recreational harvest level for black sea bass is 1998. In 1997, the only recreational measure was a minimum fish size of 9 inches (22.9 cm). Because 70 percent of the landings occur from September through December and 1997 data are not available, the Council recommended that 1996 data be used to estimate the effects of fish size and possession limits. Relative to the 1996 data, landings would have to be reduced 47 percent to achieve the 1998 harvest limit of 3.148 million lb (1.43 kg). To accomplish this reduction, the Council and the Commission proposed two alternative options and proposed to allow each state to select either of the two measures for implementation. The first option proposed to increase the recreational minimum fish size to 10 inches (25.4 cm), establish an August 1 through August 15 seasonal closure, and set no possession limit. The second option, proposed to increase the recreational minimum fish size to 10 inches (25.4 cm), impose a 20 fish per person possession limit, and not to impose a seasonal closure.

As discussed above for summer flounder, the proposal by the Council and Commission to allow states to choose between two distinct management regimes was found inconsistent with the FMP according to the Regional Attorney. Therefore, NMFS proposes to increase the recreational minimum fish size to 10 inches (25.4 cm), establish an August 1 through August 15 seasonal closure, and not to impose a possession limit. Based on the staff analysis presented at the Council meeting, this combination of measures is expected to constrain anglers to the 3.148 million lb (1.43 million kg) harvest limit in 1998.

Scup

The only measure in place for the 1997 scup recreational fishery was a 7–inch (17.78–cm) minimum fish size. The Council used available data and catch estimates for the final months of the 1997 scup recreational fishery to project scup landings to be below the 1997 harvest limit (1.947 million lb (0.88 million kg)) by approximately 17 percent. The difference between the projected 1997 landings (1.616 million lb (0.73 million kg)) and the 1998 target limit (1.553 million lb (0.70 million kg)) is small.

The Council and Commission recommended no change in the current recreational regulations for scup in 1998. The Council believes that the 7–inch (17.78–cm) minimum fish size will constrain anglers to the 1.553 million lb (0.70 million kg) harvest limit in 1998 because of the limited fish availability associated with low stock levels. NMFS concurs with the Council/Commission recommendation.

Classification

This proposed rule has been determined to be not significant for purposes of E.O. 12866.

The Assistant General Counsel for Legislation and Regulation, Department of Commerce, certified to the Chief Counsel for Advocacy of the Small Business Administration that this proposed rule, if adopted, would not have a significant economic impact on a substantial number of small entities as follows:

It is unlikely that the measures that would be implemented by this action would decrease ex-vessel revenues by more than 5 percent for more than 20 percent of the small entities engaged in the summer flounder, scup, and black sea bass fisheries. It is not expected that any small entities in these recreational fisheries will cease operations as a result of this action. The impacts were evaluated when the recreational coastwide harvest levels were analyzed as part of the proposed and final 1998 specifications. The review examined the impact the final 1998 specifications would have on all vessels that landed any of these three species in 1996. Impacts were examined by presuming a 23–percent reduction in summer flounder landings, a 47–percent reduction in black sea bass, and no reduction in scup landings. While it is possible that the recreational harvest limit for 1998 could cause some concern for recreational fishermen, there is no indication that it will lead to a decline in the demand for recreational trips. Within recreational fishing there are numerous alternative target species, and the number of trips targeting a given species in any given year is quite variable. For example, recreational fishing trips upon which summer flounder were landed have fluctuated over the past 4–5 years without

any discernible trend. Trips for black sea bass have similarly fluctuated. By contrast, scup targeted trips have been declining in recent years, and those declining years correspond to dramatic increases in trips taken where striped bass was the target species. However, little information is available to draw any causal inferences linking management regulations to switching behavior among the myriad of species available to recreational anglers. In the aggregate, the total number of recreational trips in the Mid-Atlantic region have remained relatively stable with a slight upward trend since 1993. It is likely that recreational anglers will target other species that are relatively more abundant (such as black sea bass) when faced with potential reductions in the amount of summer flounder and black sea bass that they are allowed to catch due to decreases in the respective recreational harvest limits. Since the proposed measures for each of these fisheries do not significantly change measures previously adopted, they are not expected to alter participation in the fishery. Therefore, this rule most likely would not have a significant impact on a substantial number of small entities.

List of Subjects in 50 CFR Part 648

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated: March 11, 1998.

David L. Evans,

Deputy Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 648 is proposed to be amended as follows:

PART 648—FISHERIES OF THE NORTHEASTERN UNITED STATES

1. The authority citation for part 648 continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. In § 648.103, paragraph (b) is revised to read as follows:

§ 648.103 Minimum fish sizes.

* * * * *

(b) The minimum size for summer flounder is 15 inches (38 cm) TL for all vessels that do not qualify for a moratorium permit, and party and charter boats holding moratorium permits, but fishing with passengers for hire or carrying more than three crew members, if a charter boat, or more than five crew members, if a party boat.

* * * * *

3. In § 648.105, the first sentence of paragraph (a) is revised to read as follows:

§ 648.105 Possession restrictions.

(a) No person shall possess more than eight summer flounder in, or harvested from, the EEZ unless that person is the owner or operator of a fishing vessel issued a summer flounder moratorium permit or is issued a summer flounder dealer permit. * * *

* * * * *

4. Section 648.142 is revised to read as follows:

§ 648.142 Time restrictions.

Vessels that are not eligible for a moratorium permit under § 648.4(a)(6) and fishermen subject to the possession limit may not fish for black sea bass from August 1 through August 15. This time period may be adjusted pursuant to the procedures in § 648.140.

* * * * *

5. In § 648.143, paragraph (a) is revised, existing paragraph (b) is redesigned as paragraph (c), and new paragraph (b) is added to read as follows:

§ 648.143 Minimum fish sizes.

(a) The minimum size for black sea bass is 10 inches (25.4 cm) total length for all vessels issued a moratorium permit under § 648.4(a)(7) that fish for or retain black sea bass in or from U.S. waters of the western Atlantic Ocean from 35°15.3' N. Lat., the latitude of Cape Hatteras Light, North Carolina, northward to the U.S.-Canada border. The minimum size may be adjusted for commercial vessels pursuant to the procedures in § 648.140.

(b) The minimum size for black sea bass is 10 inches (25.4 cm) TL for all vessels that do not qualify for a moratorium permit, and party and charter boats holding moratorium permits, but fishing with passengers for hire or carrying more than three crew members, if a charter boat, or more than five crew members, if a party boat. The minimum size may be adjusted for recreational vessels pursuant to the procedures in § 648.140.

* * * * *

[FR Doc. 98–6771 Filed 3–12–98; 11:20 am]

BILLING CODE 3510–22–F

Notices

Federal Register
Vol. 63, No. 51
Tuesday, March 17, 1998

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–821–807]

Ferrovanadium and Nitrided Vanadium From the Russian Federation: Termination of Antidumping Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On August 28, 1997, the Department of Commerce initiated an administrative review of the antidumping duty order on Ferrovanadium and Nitrided Vanadium from the Russian Federation for one manufacturer or producer of ferrovanadium and nitrided vanadium from the Russian Federation, Galt Alloys, Inc., covering the period July 1, 1996, through June 30, 1997. The Department of Commerce is terminating the review after confirming that Galt Alloys, Inc. made no sales of the subject merchandise during the period of review.

EFFECTIVE DATE: March 17, 1998.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Mary Jenkins, Office 5, AD/CVD Enforcement Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–4136 or (202) 482–1756, respectively.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to the regulations as published in the **Federal Register** on May 19, 1997. See Antidumping Duties: Countervailing Duties; Final Rule, 62 FR 27296 (May 19, 1997).

Background

On July 31, 1997, Shieldalloy Metallurgical Corporation (the petitioner) requested that the Department conduct an administrative review of the antidumping duty order on ferrovanadium and nitrided vanadium from the Russian Federation for the period July 1, 1996, through June 30, 1997.

On August 15, 1997, Galt reported that it made no sales of the subject merchandise during the period of review (POR). Subsequently, the petitioner challenged Galt's assertion that no sales were made during the POR, arguing the U.S. import statistics showed subject merchandise imports from the Russian Federation prior to and during the POR.

On October 2 and 21, 1997, Galt provided submissions claiming that entries of the subject merchandise originally declared to U.S. Customs as being of Russian origin were in error and were actually from Tajikistan. On January 13, 1998, the Department conducted a verification of Galt's claim and confirmed that the entries of ferrovanadium were actually from Tajikistan, as claimed by Galt (*see* January 29, 1998, memorandum reporting on verification of Galt's submitted data.)

Pursuant to 19 CFR 351.213(d)(3), the Department may rescind an administrative review, in whole or only with respect to a particular exporter or producer, if the Secretary concludes that, during the period covered by the review, there were no entries, exports, or sales of this subject merchandise. In light of the fact that we determined that Galt did not make sales of the subject merchandise during the POR in question, we are terminating this review for Galt. We will issue appraisement instructions directly to the U.S. Customs Service.

In addition, petitioner requested on September 29, 1997, that the Department determine whether antidumping duties have been absorbed by Galt or its affiliates, in accordance with 19 CFR 351.231(j). However, as Galt made no sales of the subject merchandise during the POR, there is no basis to conduct this inquiry.

This notice is published in accordance with § 353.213(d)(4).

Dated: March 6, 1998.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 98–6897 Filed 3–16–98; 8:45 am]
BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–816]

Certain Stainless Steel Butt-Weld Pipe Fittings From Taiwan, Antidumping Duty Administrative Review; Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the preliminary results of the 1996–1997 administrative review of the antidumping duty order on certain stainless steel butt-weld pipe fittings from Taiwan. The review covers one manufacturer/exporter of the subject merchandise to the United States, Ta Chen Stainless Pipe Company, Ltd., and the period June 1, 1996 through May 31, 1997.

EFFECTIVE DATE: March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Robert M. James at (202) 482–5222 or John Kugelman at (202) 482–0649, AD/CVD Enforcement Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994, the Department is extending the time limit for completion of the preliminary results until June 1, 1998. See

Memorandum from Joseph A. Spetrini to Robert S. LaRussa, on file in Room B–099 of the Main Commerce Building. The deadline for the final results of this review will continue to be 120 days after publication of the preliminary results.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

Dated: February 25, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 98–6894 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–428–824]

Postponement of Final Antidumping Determination: Stainless Steel Wire Rod From Germany

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

FOR FURTHER INFORMATION CONTACT: Sunkyu Kim or Everett Kelly, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington D.C. 20230; telephone (202) 482–2613 or (202) 482–4194, respectively.

EFFECTIVE DATE: March 17, 1998.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (''URAA''). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (62 FR 27296, May 19, 1997).

Postponement of Final Determination

Pursuant to section 735(a)(2) of the Act, on March 2, 1998, Krupp Edelstahlprofile GmbH and Krupp Hoesch Steel Products Inc. (collectively ''Krupp''), producers/exporters of the subject merchandise, requested that the Department postpone its final determination to 135 days after publication of the Department's preliminary determination. In addition, Krupp requested that the Department extend the period for provisional measures to not more than six months. In accordance with 19 CFR 351.210(b)(2), because (1) our preliminary determination is affirmative, (2) Krupp accounts for a significant proportion of exports of the subject merchandise, and (3) no compelling reasons for denial exist, we are granting the respondent's request and are postponing the final determination until no later than July 20, 1998, which is 135 days after the publication of the preliminary determination (see Notice of Preliminary Determination of Sales at Less than Fair Value: Stainless Steel Wire Rod from Germany (63 FR 10847 March 5, 1998)). Suspension of liquidation will be extended accordingly.

Case briefs or other written comments in at least 10 copies must be submitted to the Assistant Secretary for Import Administration no later than June 1, 1998, and rebuttal briefs no later than June 8, 1998. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, the hearing will be held on June 15, 1998, time and room to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within thirty days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the briefs.

This notice of postponement is published pursuant to 19 CFR 351.210(g).

Dated: March 10, 1998.

Robert S. LaRussa,

Assistant Secretary for Import Administration.

[FR Doc. 98–6898 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–583–815]

Certain Welded Stainless Steel Pipe From Taiwan, Antidumping Duty Administrative Review; Time Limit

AGENCY: Import Administration, International Trade Administration, Department of Commerce.

ACTION: Notice of extension of time limit.

SUMMARY: The Department of Commerce (the Department) is extending the time limit for the final results of the 1995–1996 administrative review of the antidumping duty order on welded stainless steel pipe from Taiwan. The review covers one manufacturer/exporter of the subject merchandise to the United States, Ta Chen Stainless Pipe Company, Ltd., and the period December 1, 1995 through November 30, 1996.

EFFECTIVE DATE: March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Robert M. James at (202) 482–5222 or John Kugelman at (202) 482–0649, AD/CVD Enforcement, Office Eight, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, DC 20230.

SUPPLEMENTARY INFORMATION: Because it is not practicable to complete this review within the time limits mandated by section 751(a)(3)(A) of the Tariff Act of 1930, as amended by the Uruguay Round Agreements Act of 1994, the Department is extending the time limit for completion of the final results until July 8, 1998. See Memorandum from Joseph A. Spetrini to Robert S. LaRussa, on file in Room B–099 of the Main Commerce Building.

This extension is in accordance with section 751(a)(3)(A) of the Tariff Act of 1930, as amended.

Dated: February 25, 1998.

Joseph A. Spetrini,

Deputy Assistant Secretary, Enforcement Group III.

[FR Doc. 98–6895 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904 Binational Panel Reviews; Request for Panel Review

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of first request for panel review.

SUMMARY: On February 20, 1998, Cerestar, USA, Inc., filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Several other Requests for Panel Review were also filed in this matter. Panel review was requested of the final antidumping duty determination made by the Secretaria de Comercio y Fomento Industrial with respect to Imports of High Fructose Corn Syrup originating in the United States of America. This determination was published in the *Diario Oficial* on January 23, 1998. The NAFTA Secretariat has assigned Case Number MEX–98–1904–01 to this request.

FOR FURTHER INFORMATION CONTACT: James R. Holbein, United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, DC 20230 (202) 482–5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement (''Agreement'') establishes a mechanism to replace domestic judicial review of final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent binational panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews (''Rules''). These Rules were published in the **Federal Register** on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on February 20, 1998, requesting panel review of the final antidumping determination described above.

The Rules provide that:

(a) A Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is March 23, 1998);

(b) A Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is April 6, 1998); and

(c) The panel review shall be limited to the allegations of error of fact or law, including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

Dated: March 10, 1998.

James R. Holbein,

United States Secretary, NAFTA Secretariat.

[FR Doc. 98–6862 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–GT–M

DEPARTMENT OF COMMERCE

International Trade Administration

DEPARTMENT OF THE INTERIOR

[Docket No. 971021249–8006–02]

RIN 0625–AA50

Allocation of Duty-Exemptions for Calendar Year 1998 Among Watch Producers Located in the Virgin Islands

AGENCY: Import Administration, International Trade Administration, Department of Commerce; Office of Insular Affairs, Department of the Interior.

ACTION: Notice.

SUMMARY: This action allocates 1998 duty-exemptions for watch producers located in the Virgin Islands pursuant to Public Law 97–446, as amended by Public Law 103–465 (''the Act'').

FOR FURTHER INFORMATION CONTACT: Faye Robinson, (202) 482–3526.

SUPPLEMENTARY INFORMATION: Pursuant to the Act the Departments of the Interior and Commerce (the Departments) share responsibility for the allocation of duty exemptions among watch assembly firms in the United States insular possessions and the Northern Mariana Islands. In accordance with Section 303.3(a) of the regulations (15 CFR Part 303), this action establishes the total quantity of duty-free insular watches and watch movements for 1998 at 4,140,000 units and divides this amount among the three insular possessions of the United States and the Northern Mariana Islands. If this amount, 2,640,000 units may be allocated to Virgin Islands producers, 500,000 to Guam producers, 500,000 to American Samoa producers and 500,000 to Northern Mariana Islands producers (63 FR 5887).

The criteria for the calculation of the 1998 duty-exemption allocations among insular producers are set forth in Section 303.14 of the regulations.

The Departments have verified the data submitted on application form ITA–334P by Virgin Islands producers and inspected their current operations in accordance with Section 303.5 of the regulations.

In calendar year 1997 the Virgin Islands watch assembly firms shipped 922,229 watches and watch movements into the customs territory of the United States under the Act. The dollar amount of creditable corporate income taxes paid by Virgin Islands producers during calendar year 1997 plus the creditable wages paid by the industry during calendar year 1997 to residents of the territory was $3,458,360.

There are no producers in Guam, American Samoa or the Northern Mariana Islands.

The calendar year 1998 Virginia Islands annual allocations set forth below are based on the data verified by the Departments in the Virgin Islands. The allocations reflect adjustments made in data supplied on the producers' annual application forms (ITA–334P) as a result of the Departments' verification.

The duty-exemption allocations for calendar year 1998 in the Virgin Islands are as follows:

Name of firm	Annual allocation
Belair Quartz, Inc.	500,000
Hampden Watch Co., Inc.	200,000
Progress Watch Co., Inc.	350,000
Unitime Industries, Inc.	500,000
Tropex, Inc. Inc.	300,000

Robert S. LaRussa,

Assistant Secretary for Import Administration, Department of Commerce.

Allen Stayman

Director, Office of Insular Affairs, Department of the Interior.

[FR Doc. 98–6893 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DS–M, 4310–93–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031098E]

Mid-Atlantic Fishery Management Council; Meeting

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Spiny Dogfish Technical Committee will hold a public meeting.

DATES: The meeting will be held on Thursday, April 2, 1998, from 10:00 a.m. until 5:00 p.m.

ADDRESSES: The meeting will be held at the Radisson Hotel Philadelphia Airport, 500 Stevens Drive, Philadelphia, PA; telephone: 610–521–8954.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: David R. Keifer, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to discuss revised estimates of current fishing mortality, review results of surplus production modeling and biomass estimation, review projection model results, and develop definition of overfishing.

Although other issues not contained in this agenda may come before this Committee for discussion, in accordance with the Magnuson Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in the agenda listed in this notice.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: March 11, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–6855 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 031098F]

New England Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service (NMFS), National Oceanic and Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of public meetings.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a number of public meetings of its oversight committees and advisory panels in March and April 1998 to consider actions affecting New England fisheries in the exclusive economic zone (EEZ). Recommendations from these groups will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meetings will be held between March 31, 1998, and April 27, 1998. See **SUPPLEMENTARY INFORMATION** for specific dates and times.

ADDRESSES: The meetings will be held in Peabody and East Boston, MA; Warwick, RI; and New London, CT. See **SUPPLEMENTARY INFORMATION** for specific locations.

Council address: New England Fishery Management Council, 5 Broadway, Saugus, MA 01906-1036; telephone: (781) 231-0422.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; telephone: (781) 231-0422.

SUPPLEMENTARY INFORMATION:

Meeting Dates and Agendas

Tuesday, March 31, 1998, 10 a.m. and Wednesday, April 1, 1998, 9:00 a.m.—Joint Council Herring Committee and Atlantic States Marine Fisheries Commission Herring Section Meeting

Location: Sheraton Inn, Providence Airport, 1850 Post Road, Warwick, RI 02886; telephone: (401) 738-4000.

Selection of Atlantic Herring Fishery Management Plan (FMP) measures, including the identification of a preferred alternative, for public hearing purposes.

Thursday, April 2, 1998, 9:30 a.m.—Joint Habitat Committee and Advisory Panel Meeting

Location: Holiday Inn, One Newbury Street (Route 1) Peabody, MA 01960; telephone: (978) 535-4600.

Review of the progress and status of essential fish habitat (EFH) identification and description, and discussion of alternatives for EFH designation.

Friday, April 3, 1998, 9:30 a.m.—Groundfish Committee Meeting

Location: Holiday Inn, One Newbury Street, (Route 1) Peabody, MA 01960; telephone: (978) 535-4600.

Final selection of measures to be recommended to the Council for public hearings on Amendment 9 to the Northeast Multispecies FMP and development of a recommendation to the Council on Framework Adjustment 26 to the FMP, an action that would implement alternative cod conservation measures.

Tuesday, April 7, 10 a.m.—Whiting Committee Meeting

Location: Holiday Inn, One Newbury Street (Route 1) Peabody, MA 01960; telephone: (978) 535-4600.

Development of final recommendations to the Council on a management alternative for consideration at public hearings.

Wednesday, April 14, 1998, 9:30 a.m.—Joint Monkfish Committee and Advisory Panel Meeting

Location: Airport Holiday Inn, 225 McClellan Highway, East Boston, MA 02128; telephone: (617) 569-5250.

Approval of final management measures to be included in the Monkfish FMP, for New England and Mid-Atlantic Council consideration. This agenda will include time for public comments on the proposed final management measures.

Monday, April, 27, 10 a.m.—Whiting Committee Meeting

Location: Radisson Hotel, 35 Governor Winthrop Boulevard, New London, CT 06320; telephone: (860) 443-7000.

Review of the draft Whiting Amendment, draft Environmental Impact Statement and a public hearing schedule.

Although other issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **FOR FURTHER INFORMATION CONTACT**) at least 5 days prior to the meeting dates.

Dated: March 11, 1998.

Bruce C. Morehead,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 98–6856 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–22–F

DEPARTMENT OF COMMERCE

Patent and Trademark Office

[Docket No. 98–0303053–8053–01]

Notice of Conference on Database Protection and Access Issues

AGENCY: Patent and Trademark Office, Commerce.

ACTION: Notice of meeting.

SUMMARY: The Patent and Trademark Office (PTO) is announcing that it will hold a one-day conference on issues related to protection of and access to compilations of data.

DATES: The conference will be held on Tuesday, April 28, 1998, beginning at 8:30 a.m.

Registration materials must be returned no later than April 20, 1998.

ADDRESSES: The conference will be held on Tuesday, April 28, 1998, beginning at 8:30 a.m. in the Falk Auditorium of the Brookings Institution, 1775 Massachusetts Avenue, NW, Washington, DC 20036. Conference sessions will be held in the Falk Auditorium, other conference facilities of the Brookings Institution, and conference facilities at the Carnegie Endowment for International Peace, 1779 Massachusetts Avenue, NW, Washington, DC 20036.

Requests for registration materials should be made to Justin Hughes by electronic mail to database.conference@uspto.gov, by facsimile transmission marked to his attention at (703) 305–8885, or by mail marked to his attention and addressed to the Office of Legislative and International Affairs, Patent and Trademark Office, Washington, DC 20231. Because of limited seating in the conference facilities, the PTO will accept the first 175 participants on a first-come, first-served basis according to the date and time of each registration request.

There will be a reasonable charge to help defray costs of the lunch and refreshments served at the conference. However, payment is not obligatory to participate in the conference.

Arrangements for conference panelists and moderators will be made separately from conference participant registration.

FOR FURTHER INFORMATION CONTACT: Justin Hughes, by telephone at (703) 305–9300, by facsimile transmission marked to his attention at (703) 305–8885, by electronic mail to database.conference@uspto.gov, or by mail marked to his attention at the Office of Legislative and International Affairs, Patent and Trademark Office, Washington, DC 20231.

SUPPLEMENTARY INFORMATION: Issues concerning legal protection for compilations of data gained increased attention following the Supreme Court's 1991 decision *Feist Publications, Inc.* v. *Rural Telephone Service Co.*, 499 U.S. 340 (1991), which determined that there is no copyright protection for compilations of data that lack creativity in their selection, arrangement, and presentation. The Feist decision, as well as subsequent cases in the lower courts, established that copyright does not protect all compilations of data or of information and that even where copyright exists in such compilations, it provides ''thin'' protection that does not inhibit unauthorized copying of all or substantial amounts of databases.

Protection of compilations of data has also become an issue abroad. In March 1996, the European Commission adopted a Directive on Databases which creates a sui generis intellectual property system for compilations of data. The Directive requires member states of the European Union (EU) to implement national legislation to provide database owners with a right to control extraction and reutilization of data from a proprietary compilation for a fifteen-year term; the Directive provides that member states may create exceptions to liability for education and research uses of databases.

In response to the *Feist* decision, subsequent cases, and the European initiative, H.R. 3531 was introduced in 1996 by then Congressman Carlos Moorhead. House bill 3531 would have provided a sui generis legal regime for database protection. The bill would have protected database owners for a twenty-five-year term from unauthorized extraction, use, or reuse of any substantial part of a database.

In the 105th Congress, Congressman Howard Coble, Chair of the House Subcommittee on Courts and Intellectual Property, introduced H.R. 2652, the ''Collections of Information Antipiracy Act''. House bill 2652 would provide a database owner with protection against misappropriation of substantial portions of its database if such misappropriation would harm the owner's actual potential market for the database or products incorporating the database. House bill 2652 provides exceptions from liability for use of data for not-for-profit, educational, scientific, research, or news reporting purposes, although the contours of these exceptions may not correspond precisely to fair use exceptions under copyright law. House bill 2652 has been supported by a wide variety of entities in the information industry and has been endorsed by the Copyright Office as a constructive step to restore protection for ''sweat of the brow'' compilations that was eliminated in the *Feist* decision.

At the same time, a number of organizations, particularly in the scientific and academic communities, have expressed concerns that H.R. 2652 may impede access to data necessary to scholarly and scientific research. Scientists have stressed that many research efforts rely on uses of entire databases, uses that might be deemed substantial extraction under the bill's provisions and that privately controlled databases might be priced so as to make many research projects impossible.

Opponents of providing additional database protection have argued that the database market is already characterized by single source, niche marketers; that there is no apparent market failure, i.e. undersupply of databases, because of the absence of comprehensive protection; and that existing copyright and contractual law coupled with current technology provide adequate protection to database owners.

Internationally, in 1996, the European Union submitted a draft international database protection treaty, similar in scope to the EU Directive, to the World Intellectual Property Organization (WIPO). In anticipation of a WIPO Diplomatic Conference in December 1996, and because of substantial concerns about provisions in the EU proposal, the United States submitted its own proposal to WIPO. The 1996 Diplomatic Conference ultimately focused on copyright and neighboring rights proposals; it did not resolve any issues related to possible protection of databases. WIPO has established a timetable to resume discussions concerning database protection in 1998.

The April 28, 1998 database conference is intended to bring together representatives from academia, private industry, and Government for an in-

depth, day-long discussion of the fundamental questions related to database protection and access. This conference is intended to help policy makers understand the wide range of issues in this important area by soliciting the advice of individual members of the public.

The conference will consist of morning and afternoon plenary sessions with additional, smaller working groups at midday. Conference topics will explore whether a comprehensive regime of legal protection is needed for compilations of data, what safeguards should exist to ensure robust levels of scientific and academic research, what market failures do exist or are likely to exist in data generation industries, and whether government-generated or government-financed data should be subject to special access rules.

Dated: March 11, 1998.

Bruce A. Lehman,

Assistant Secretary of Commerce and Commissioner of Patents and Trademarks.

[FR Doc. 98–6839 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Limit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Guatemala

March 11, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs increasing a limit.

EFFECTIVE DATE: March 18, 1998.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limit for Categories 342/642 is being increased by recrediting unused carryforward applied to the 1997 limit.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67624, published on December 29, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or manufactured in Guatemala and exported during the periods January 1, 1998 through May 30, 1998 and January 1, 1998 through December 31, 1998.

Effective on March 18, 1998, you are directed to increase the limit for Categories 342/642 to 180,210 dozen [1] for the period January 1, 1998 through May 30, 1998, as provided for under the Uruguay Round Agreement on Textiles and Clothing (ATC).

The Guaranteed Access Level for Categories 342/642 remains unchanged.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 98–6863 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Indonesia

March 11, 1998.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: March 18, 1998.

FOR FURTHER INFORMATION CONTACT: Janet Heinzen, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port or call (202) 927–5850. For information on embargoes and quota re-openings, call (202) 482–3715.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being adjusted, variously, for carryforward used and an additional five percent increase for traditional folklore products made from handloomed fabrics.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 62 FR 66057, published on December 17, 1997). Also see 62 FR 67625, published on December 29, 1997.

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

March 11, 1998.

Commissioner of Customs,
Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 19, 1997, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 1998 and extends through December 31, 1998.

Effective on March 18, 1998, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month limit [1]
Levels in Group I	
200	793,742 kilograms.
300/301	3,773,207 kilograms.
315–O [2]	25,383,379 square meters.

[1] The limit has not been adjusted to account for any imports exported after December 31, 1997.

Category	Twelve-month limit [1]
334/335	229,281 dozen.
336/636	606,771 dozen.
338/339	1,114,125 dozen.
340/640	1,372,074 dozen.
341	868,909 dozen.
342/642	381,212 dozen.
347/348	1,589,155 dozen.
350/650	166,863 dozen.
351/651	469,523 dozen.
359–C/659–C [3]	1,303,471 kilograms.
361	1,221,141 numbers.
445/446	53,767 dozen.
447	16,049 dozen.
611–O [4]	4,108,000 square meters.
619/620	8,506,863 square meters.
634/635	288,937 dozen.
638/639	1,426,959 dozen.
641	2,324,937 dozen.
647/648	3,324,571 dozen.
Group II 201, 218, 220, 222–224, 226, 227, 237, 239pt. [5], 332, 333, 352, 359–O [6], 362, 363, 369–O [7], 400, 410, 414, 431, 434, 435, 436, 438, 440, 442, 444, 459pt. [8], 464, 469pt. [9], 603, 604–O [10], 606, 607, 621, 622, 624, 633, 649, 652, 659–O [11], 666, 669–O [12], 670–O [13], 831, 833–836, 838, 840, 842–846, 850–852, 858 and 859pt. [14], as a group.	88,703,224 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 1997.

[2] Category 315–O: all HTS numbers except 5208.52.4055.

[3] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010; Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[4] Category 611–O: only HTS numbers 5516.14.0005, 5516.14.0025 and 5516.14.0085.

[5] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[6] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010 (Category 359–C); 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010 and 6211.12.8020 (Category 359–S) and 6406.99.1550 (Category 359pt.).

[7] Category 369–O: all HTS numbers except 6307.10.2005 (Category 369–S); 5601.10.1000, 5601.21.0090, 5701.90.1020, 5701.90.2020, 5702.10.9020, 5702.39.2010, 5702.49.1020, 5702.49.1080, 5702.59.1000, 5702.99.1010, 5702.99.1090, 5705.00.2020 and 6406.10.7700 (Category 369pt.).

[8] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[9] Category 469pt.: all HTS numbers except 5601.29.0020, 5603.94.1010 and 6406.10.9020.

[10] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A).

[11] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010, 6211.12.1020 (Category 659–S); 6406.99.1510 and 6406.99.1540 (Category 659pt.).

[12] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020, 6305.39.0000 (Category 669–P); 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040 (Category 669pt.).

[13] Category 670–O: all HTS numbers except 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9025 and 6307.90.9907 (Category 670–L).

[14] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

Troy H. Cribb,

Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.98–6864 Filed 3–16–98; 8:45 am]

BILLING CODE 3510–DR–F

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (P.L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 25 March 1998.

Time of Meeting: 0800–1700.

Place: Natick Research, Development, and Engineering Center, Kansas Street, Natick, MA.

Agenda: The Army Science Board's (ASB) Independent Assessment Panel on ''Hit-to-Kill Interceptor Lethality—Phase II'' will receive briefing on biological and chemical defense from the staff of the Natick Research, Development, and Engineering Center. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please call our office at (703) 604–7490.

Wayne Joyner,

Program Support Specialist Army Science Board.

[FR Doc. 98–6834 Filed 3–16–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 30 March 1998.

Time of Meeting: 0830–1630.

Place: Abdingdon, MD.

Agenda: The Army Science Board's (ASB) Issue Group Study on ''Review of Risk Assessment Methodology for Proposed DoD Range Rule'' will meet for briefings and discussions. This meeting will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact our office at (703) 604–7490.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 98–6835 Filed 3–16–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 16–17 April 1998.

Time of Meeting: 0830–1700 (both days).

Place: Association of the United States Army, 2425 Wilson Boulevard, Conference Main Room, Arlington, VA.

Agenda: The Army Science Board's (ASB) 1998 Summer Study Group on ''Concepts and Technology for the Army Beyond 2010''

will meet to hear panel progress reports. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please contact our office at (703) 604–7490.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 98–6836 Filed 3–16–98; 8:45 am]

BILLING CODE 3210–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board, Notice of Open Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 25–26 March 1998.

Time of Meeting: 0830–1700, 25 Mar 98; 0900–1600, 26 Mar 98.

Place: Association of the U.S. Army, 2425 Wilson Blvd., Arlington, VA.

Agenda: The Army Science Board's (ASB) 1998 Summer Study panel on ''Concepts and Technology for the Army Beyond 2020'' will meet for briefings and discussions. These meetings will be open to the public. Any interested person may attend, appear before, or file statements with the committee at the time and in the manner permitted by the committee. For further information, please call our office at (703) 604–7490.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 98–6837 Filed 3–16–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Army Science Board; Notice of Closed Meeting

In accordance with Section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), announcement is made of the following Committee Meeting:

Name of Committee: Army Science Board (ASB).

Date of Meeting: 31 March and 1 April 1998.

Time of Meeting: 0800–1700, 31 Mar 98; 0800–1600, 1 Apr 98.

Place: Picatinny Arsenal, NJ.

Agenda: The Army Science Board (ASB) Issue Group Study on ''Impacts of Precision Guided Munitions on Future Tank and Howitzer Capabilities'' will visit Picatinny Arsenal. These meetings will be closed to the public in accordance with Section 552b(c) of title 5, U.S.C., specifically subparagraph (4) thereof, and title 5, U.S.C., Appendix 2, subsection 10(d). The proprietary matters to be discussed are so inextricably intertwined so as to preclude opening any portion of these meetings. For further information, please contact our office at (703) 604–7490.

Wayne Joyner,

Program Support Specialist, Army Science Board.

[FR Doc. 98–6838 Filed 3–16–98; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to Amend System of Records.

SUMMARY: The Department of the Army is amending the system identifier to a system of records notice. The Army system of records notice identified as A0635/690 TAPC, entitled Army Career and Alumni Program, Pre-separation and Job Assistance Counseling published on March 2, 1998, at 63 FR 10204, is being changed to A0600o TAPC, same title.

EFFECTIVE DATE: March 17, 1998.

ADDRESSES: Privacy Act Officer, Records Management Program Division, U.S. Total Army Personnel Command, ATTN: TAPC-PDR-P, Stop C55, Ft. Belvoir, VA 22060–5576.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The Army system of records notice identified as A0635/690 TAPC, entitled Army Career and Alumni Program, Pre-separation and Job Assistance Counseling published on March 2, 1998, at 63 FR 10204, is being changed to A0600o TAPC, same title. The amendment is not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: March 11, 1998.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 98–6746 Filed 3–16–98; 8:45 am]

BILLING CODE 5000–04–F

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Proposed Collection; Comment Request

AGENCY: Defense Logistics Agency.

ACTION: Notice.

SUMMARY: In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, The Defense Logistics Agency, announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received until May 18, 1998.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Defense Logistics Agency Headquarters, ATTN: Mr. Joseph J. Kunda, DLSC–LC, 8725 John J. Kingman Rd., Ft. Belvoir, VA 22060–6221.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposal information collection or to obtain a copy of the proposal and associated collection instructions, please write to the above address, or call DLSC–LC at (703) 767–1542.

Title, Associated Form, and OMB Number: End-Use Certificate, DLA Form 1822, OMB No. 0704–0382.

Needs and Uses: The form is used to control the ultimate disposition of Munitions List Items and Commerce Control List Items. Successful bidders are checked to determine if they are responsible and are not debarred bidders, Specially Designated Nationals or Blocked Persons and will not divert the property to denied/sanctioned

counties or unauthorized destinations or sell bidder experience list, firms or individuals.

Affected Public: Individuals; businesses or other for profit; not-for-profit institutions; State, local or tribal government.

Annual Burden Hours: 13,200.

Number of Respondents: 40,000.

Responses per Respondent: 1.

Average Burden per Response: 33.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Respondents are customers that purchase surplus property, munitions and commerce control list items. Bidders are checked to determine if they are responsible and not debarred bidders, Specially Designated Nationals or Blocked Persons.

The form is available from the DEMIL Home Page on Internet, Defense Reutilization and Marketing Service sales catalogs, Defense Contact Management Command offices, FormFlow and ProForm.

Carla A. Von Bernewitz,

Chief Information Officer, Defense Logistics Agency.

[FR Doc. 98–6619 Filed 3–16–98; 8:45 am]

BILLING CODE 3620–01–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Termination of an Environmental Impact Statement for Construction of a Solid Waste Landfill on Marine Corps Base, Quantico, VA

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Marine Corps has been in the process of preparing an Environmental Impact Statement (EIS) in compliance with the National Environmental Policy Act of 1969 for the construction and operation of a solid waste landfill on Marine Corps Base (MCB), Quantico, Virginia. The Notice of Intent for preparing the EIS was published in the **Federal Register** on November 10, 1993. After a thorough review of the project, the Marine Corps decided to dispose of solid waste generated by MCB Quantico at existing off-base landfills in the region. Accordingly, the EIS is terminated and the Marine Corps does not at this time propose to construct a new solid waste landfill at MCB Quantico.

FOR FURTHER INFORMATION CONTACT: Mr. Jeff Shrum, Environmental Department, Marine Corps Base, Quantico, Virginia 22134–5001, telephone (703) 784–5384.

Dated: February 13, 1998.

Lawrence L. Larson,

Colonel, USMC, Head, Military Construction and Land Use Branch, Facilities and Services Division, Installations and Logistics Department, Headquarters, U.S. Marine Corps.

[FR Doc. 98–6829 Filed 3–16–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Inventions, Government-Owned; Availability for Licensing

AGENCY: Department of the Navy, DoD.

ACTION: Intent to grant exclusive license; Environics, Inc.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant Environics, Inc., a revocable, nonassignable, exclusive license in the United States to practice the Government owned invention described in U.S. Patent Application No. 08/625,506, entitled ''Atmospheric Ozone Concentration Detector,'' filed March 29, 1996.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, not later than May 18, 1998.

ADDRESSES: Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

(Authority: 35 U.S.C. 207, 37 CFR Part 404).

Dated: March 5, 1998.

Lou Rae Langevin,

LT. JAGC, USN, Alternate Federal Register Liaison Officer.

[FR Doc. 98–6860 Filed 3–16–98; 8:45 am]

BILLING CODE 3810–FF–M

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Zesto Therm, Inc.

AGENCY: Department of the Navy, DoD.

ACTION: Notice of intent to grant exclusive license.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Zesto Therm, Inc., a revocable, nonassignable, partially exclusive license in the United States to practice the Government owned invention described in U.S. Patent No. 4,264,362 entitled ''Supercorroding Galvanic Cell Alloys for Generation of Heat and Gas'' issued April 28, 1981.

DATES: Anyone wishing to object to the grant of this license has 60 days from the date of this notice to file written objections along with supporting evidence, if any. Written objections are to be filed with the Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660.

FOR FURTHER INFORMATION CONTACT: Mr. R. J. Erickson, Staff Patent Attorney, Office of Naval Research, ONR 00CC, Ballston Tower One, 800 North Quincy Street, Arlington, Virginia 22217–5660, telephone (703) 696–4001.

(Authority: 35 U. S. C. 207, 37 CFR Part 404)

Dated: March 6, 1998.

Lou Rae Langevin,

Lieutenant, Judge Advocate General's Corps, U.S. Navy, Alternate Federal Register Liaison Officer.

[FR Doc. 98–6845 Filed 3–16–98; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF ENERGY

Proposal To Revoke Designations of Inactive Uranium Mill Tailings Sites in North Dakota Previously Designated Under the Uranium Mill Tailings Radiation Control Act (UMTRCA) of 1978

AGENCY: Office of Environmental Management, Department of Energy.

ACTION: Notice of proposal to revoke designations of inactive uranium mill tailings sites in North Dakota previously designated under the provisions of the Uranium Mill Tailings Radiation Control Act of 1978.

SUMMARY: In 1979, the Secretary of Energy designated inactive uranium milling sites, including two sites at Belfield and Bowman, North Dakota, for cleanup under the Uranium Mill Tailings Radiation Control Act of 1978. In 1995, the State of North Dakota requested that the designations of the Belfield and Bowman sites be revoked citing its belief that there will be minimal risk to the public and the environment if the sites are not cleaned up and the State's inability to pay its 10 percent share of the cleanup costs required by UMTRCA. The Department of Energy is proposing to revoke the designations of these sites because of the low risks to the public and the environment at the sites, DOE's lack of

authority to clean up the two sites without costsharing by the State, and the existence of alternative authority to regulate the sites following revocation of the designations. Following revocation, these two sites will no longer be eligible for cleanup under the provisions of UMTRCA.

DATES: Public comments will be accepted on this proposed action. Comments should be submitted by April 16, 1998. If the Department does not receive any comments on this proposed action that would cause it to reconsider its proposal, the revocations shall be effective on May 18, 1998; and the Belfield and Bowman, North Dakota, processing sites and associated vicinity properties will no longer be eligible for remedial action by the Department of Energy under the provisions of UMTRCA.

ADDRESSES: Comments should be sent to: Loretta B. Fahy, Office of Environmental Restoration, EM–45, U.S. Department of Energy, 19901 Germantown Road, Germantown, Maryland 20874.

FOR FURTHER INFORMATION CONTACT: Loretta B. Fahy, Office of Environmental Restoration, (301) 903–3895.

SUPPLEMENTARY INFORMATION: The purpose of the Uranium Mill Tailings Radiation Control Act of 1978 is to provide, in cooperation with interested States, Indian tribes, and persons who own or control inactive uranium milling sites, a program of assessment and remedial action at certain designated sites to stabilize and control the tailings in a safe and environmentally sound manner and to minimize or eliminate radiation health hazards. Section 102(a)(1) of UMTRCA, 42 U.S.C. 7912(a)(1), required DOE to designate twenty-two sites specified in the Act and gave the Secretary discretionary authority to designate other sites. The Belfield and Bowman sites were designated under this discretionary authority of the Secretary (44 FR 74982, December 18, 1979).

Under the provisions of section 107(a) of UMTRCA, 42 U.S.C. 7917(a), the Secretary is authorized to pay only 90 percent of the cost of remedial action at designated sites not on Indian lands, and the State is required to provide the remaining 10 percent. If the State does not provide its share of the remedial action costs, the Secretary lacks the necessary authority to perform remedial action at the sites in that State.

The State of North Dakota, by letter dated March 14, 1995, requested that the Department of Energy take whatever action is necessary to revoke the designations of the Belfield and Bowman sites under UMTRCA and terminate the Cooperative Agreement between the State and the Department. The State's request expressed the view that there would be minimal risk to the public and environment if the sites were not cleaned up and noted that the North Dakota legislature was not likely to appropriate funds for the State's 10 percent share of the cleanup costs.

Under section 102(a)(1) of UMTRCA, 42 U.S.C. 7912(a)(1), the Department has the implicit authority to revoke the designations of the two sites. There are three reasons why the Department is taking this action. First, the risk to the public and environment is low, and the public will be protected through State regulation of the radioactive material at the sites. In arriving at this conclusion, the Department prepared an Environmental Assessment and has issued a Finding of No Significant Impact for this proposed action. Second, since the State of North Dakota has declined to appropriate the State's cost share, the Department lacks the authority under UMTRCA to conduct the cleanup.

Third, neither the Nuclear Regulatory Commission nor the Environmental Protection Agency has expressed any objection to the Department's proposed action. The Nuclear Regulatory Commission staff has advised the State and the Department that the State of North Dakota can regulate the sites under separate existing State authority. The Environmental Protection Agency has advised the Department that it will not object to the Department's action, provided that the State assumes regulatory responsibility for the sites. The State has notified the Department of its willingness to assume this responsibility.

Issued in Washington, D.C. on this 10th of March, 1998.

James J. Fiore,

Acting Deputy Assistant Secretary for Environmental Management.

[FR Doc. 98–6865 Filed 3–16–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Rocky Flats

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Rocky Flats.

DATES: Thursday, April 2, 1998, 6:00 p.m.—9:30 p.m.

ADDRESSES: Westminster City Hall, Lower-level Multi-purpose Room, 4800 West 92nd Avenue, Westminster, CO.

FOR FURTHER INFORMATION CONTACT: Ken Korkia, Board/Staff Coordinator, EM SSAB-Rocky Flats, 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021, phone: (303) 420–7855, fax: (303) 420–7579.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

1. The Board will consider approving a recommendation concerning economic reuse at the Rocky Flats Technology Site.

2. The Board will discuss a survey of area residents regarding outreach preferences, community involvement, and knowledge of the Board and issues surrounding Rocky Flats.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Ken Korkia at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments at the beginning of the meeting.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4 p.m., Monday-Friday, except Federal holidays. Minutes will also be available at the Public Reading Room located at the Board's office at 9035 North Wadsworth Parkway, Suite 2250, Westminster, CO 80021; telephone (303) 420–7855. Hours of

operation for the Public Reading Room are 9:00 am and 4:00 pm on Monday through Friday. Minutes will also be made available by writing or calling Deb Thompson at the Board's office address or telephone number listed above.

Issued at Washington, DC on March 12, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–6867 Filed 3–16–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Oak Ridge Reservation

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) notice is hereby given of the following Advisory Committee meeting: Environmental Management Site-Specific Advisory Board (EM SSAB), Oak Ridge Reservation.

DATES: Wednesday, April 1, 1998, 6:00 p.m.–9:30 p.m.

ADDRESSES: Ramada Inn, 420 South Illinois Avenue, Oak Ridge, Tennessee.

FOR FURTHER INFORMATION CONTACT: Marianne Heiskell, Ex-Officio Officer, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, (423) 576–0314.

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management, and related activities.

Tentative Agenda

A business meeting will be conducted with no technical presentation provided.

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Marianne Heiskell at the address or telephone number listed above. Requests must be received 5 days prior to the meeting and reasonable provision will be made to include the presentation in the agenda. The Designated Federal Official is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of 5 minutes to present their comments near the beginning of the meeting.

Minutes

The minutes of this meeting will be available for public review and copying at the Freedom of Information Public Reading Room, 1E–190, Forrestal Building, 1000 Independence Avenue, SW, Washington, DC 20585 between 9:00 a.m. and 4:00 p.m., Monday–Friday, except Federal holidays. Minutes will also be available at the Department of Energy's Information Resource Center at 105 Broadway, Oak Ridge, TN between 8:30 am and 5:00 pm on Monday, Wednesday, and Friday; 8:30 am and 7:00 pm on Tuesday and Thursday; and 9:00 am and 1:00 pm on Saturday, or by writing to Marianne Heiskell, Department of Energy Oak Ridge Operations Office, 105 Broadway, Oak Ridge, TN 37830, or by calling her at (423) 576–0314.

Issued at Washington, DC on March 12, 1998.

Rachel Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–6868 Filed 3–16–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Secretary of Energy Advisory Board; Notice of Open Teleconference Meeting

AGENCY: Department of Energy.

SUMMARY: Consistent with the provisions of the Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770), notice is hereby given of the following advisory committee teleconference:

Name: Secretary of Energy Advisory Board.

The purpose of the teleconference is to discuss the report of the Tennessee Valley Electric System Advisory Committee, a subcommittee of the Board.

DATES AND TIME: Tuesday, March 31, 1998, 11:00 AM—12:30 PM, EST.

ADDRESSES: Participants may call toll free by dialing 1–800–239–5258 and then providing the switchboard operator with participant code number 38271. Public participation is welcomed. However, the number of teleconference lines are limited and available on a first come basis.

FOR FURTHER INFORMATION CONTACT: Richard C. Burrow, Secretary of Energy Advisory Board (AB–1), U.S. Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585, (202) 586–1709 or (202) 586–6279 (fax).

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The Secretary of Energy Advisory Board (Board) reports directly to the Secretary of Energy and is chartered under the Federal Advisory Committee Act. The Board provides the Secretary of Energy with essential independent advice and recommendations on issues of national importance. On March 31, the Board will conduct a teleconference to discuss the report of the Tennessee Valley Electric System Advisory Council, a subcommittee of the Board.

Purpose of the Tennessee Valley Electric System Advisory Committee (TVC)

In late 1997, the Secretary of Energy directed the Board to form a subcommittee to provide advise, information, and recommendations to the Board on a legislative proposal to define the role of the Tennessee Valley Authority (TVA) in a restructured competitive electric industry. The Tennessee Valley Electric System Advisory Committee (TVC) was subsequently formed by the Board and Chaired by Butler Derrick, a member of the Secretary of Energy Advisory Board.

Tentative Agenda

Tuesday, March 31, 1998

11:00 AM—11:10 AM
Welcome and Opening Remarks—SEAB Chairman Walter Massey
11:10 AM—11:30 AM
Overview of TVC Findings and Recommendations—TVC Chairman, Butler Derrick
11:30 PM—12:00 PM
Public Comment Period
12:00 AM—12:30 PM
SEAB Review and Comment and Action—SEAB Chairman Walter Massey
12:30 PM
Adjourn

This tentative agenda is subject to change.

Public Participation

The Chairman of the Secretary of Energy Advisory Board is empowered to conduct the teleconference in a way that will, in the Chairman's judgment, facilitate the orderly conduct of business. During its teleconference, the Board welcomes public comment. Members of the public will be heard during the public comment period. The

Board will make every effort to hear the views of all interested parties. Written comments may be submitted to Skila Harris, Executive Director, Secretary of Energy Advisory Board, AB–1, US Department of Energy, 1000 Independence Avenue, SW, Washington, D.C. 20585. This notice is being published less than 15 days before the date of the meeting due to programmatic issues that had to be resolved prior to publication.

Minutes

Minutes and a transcript of the teleconference will be available for public review and copying approximately 30 days following the meeting at the Freedom of Information Public Reading Room, 1E–190 Forrestal Building, 1000 Independence Avenue, SW, Washington, D.C., between 9:00 AM and 4:00 PM, Monday through Friday except Federal holidays. Information on the Secretary of Energy Advisory Board may also be found at the Board's web site, located at http://www.hr.doe.gov/seab.

Issued at Washington, D.C., on March 12, 1998.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 98–6866 Filed 3–16–98; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–261–000]

ANR Pipeline Company; Notice of Request Under Blanket Authorization

March 11, 1998.

Take notice that on March 4, 1998, ANR Pipeline Company (ANR), 500 Renaissance Center, Detroit, Michigan 48243, filed in Docket No. CP98–261–000 a request pursuant to Sections 157.205 and 157.211 of the Commission's Regulations under the Natural Gas Act (18 CFR 157.205, 157.211) for authorization to construct and operate an interconnection between ANR and DePere Energy LLC (DePere) for the ultimate delivery of natural gas to DePere's proposed power plant in DePere, Wisconsin, under ANR's blanket certificate pursuant to Section 7 of the Natural Gas Act, all as more fully set forth in the request that is on file with the Commission and open to public inspection.

ANR's proposed interconnection facilities will consist of metering facilities and a tap. The total cost of the facilities will be approximately $615,000, which will be fully reimbursed by DePere. ANR will initially provide deliveries to DePere at the interconnection pursuant to the provisions of its FERC Gas Tariff, Second Revised Volume No. 1. The proposed interconnection will accommodate up to 60 MMcf/d.

ANR states that the construction of the proposed interconnection facilities will have no effect on its peak day and annual deliveries, that its existing tariff does not prohibit additional interconnections, that deliveries will be accomplished without detriment or disadvantage to its other customers and that the total volumes delivered will not exceed total volumes authorized prior to this request.

Any person or the Commission's staff may, within 45 days after issuance of the instant notice by the Commission, file pursuant to Rule 214 of the Commission's Procedural Rules (18 CFR 385.214) a motion to intervene or notice of intervention and pursuant to Section 157.205 of the Regulations under the Natural Gas Act (18 CFR 157.205) a protest to the request. If no protest is filed within the time allowed therefor, the proposed activity shall be deemed to be authorized effective the day after the time allowed for filing a protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request shall be treated as an application for authorization pursuant to Section 7 of the Natural Gas Act.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6794 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–406–000]

CNG Transmission Corporation; Notice of Informal Settlement Conference

March 11, 1998.

Take notice that an informal settlement conference will be convened in this proceeding on Thursday, March 19, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, for the purpose of exploring the possible settlement in the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, please contact William J. Collins at (202) 208–0248.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6798 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–373–000]

Koch Gateway Pipeline Company; Notice Rescheduling Informal Settlement Conference

March 11, 1998.

Take notice that the informal settlement conference scheduled to convene in this proceeding on March 12, 1998 has been canceled and rescheduled for March 17, 1998, at 10:00 a.m., at the offices of the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., for the purpose of exploring the possible settlement of the above-referenced docket.

Any party, as defined by 18 CFR 385.102(c), or any participant as defined by 18 CFR 385.102(b), is invited to attend. Persons wishing to become a party must move to intervene and receive intervenor status pursuant to the Commission's regulations (18 CFR 385.214).

For additional information, contact Edith A. Gilmore at (202) 208–2158 or Sandra J. Delude at (202) 208–0583.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6797 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2077–000 NH/VT]

New England Power Company; Notice of New England Power Company's Request to Use Alternative Procedures in Filing a License Application

March 11, 1998.

On March 9, 1998, the existing licensee, New England Power Company (New England Power), filed a request to use alternative procedures for submitting an application for new

license for the existing Fifteen Mile Falls Hydroelectric Project No. 2077. The project is located on the Connecticut River, in Grafton County, New Hampshire, and Caledonia and Essex Counties, Vermont, and consists of the 10.56–MW McIndoes Development, 140.4–MW Comerford Development, and 140.4–MW Moore Development. New England Power has demonstrated that it has made an effort to contact all resource agencies, Indian tribes, nongovernmental organizations (NGOs), and others affected by the proposal, and that a consensus exists that the use of alternative procedures is appropriate in this case.

New England Power has submitted a communications protocol that is supported by most interested entities. New England Power has also executed a settlement agreement with state and federal resource agencies and NGOs, which is attached to its request for use of alternative procedures.

The purpose of this notice is to invite any additional comments on New England Power's request to use the alternative procedures, pursuant to Section 4.34(i) of the Commission's regulations.[1] Additional notices seeking comments on the specific project proposal, interventions and protests, and recommended terms and conditions will be issued at a later date.

The alternative procedures being requested here combine the prefiling consultation process with the environmental review process, allowing the applicant to complete and file an Environmental Assessment (EA) in lieu of Exhibit E of the license application. This differs from the traditional process, in which the applicant consults with agencies, Indian tribes, and NGOs during preparation of the application for the license and before filing it, but the Commission staff performs the environmental review after the application is filed. The alternative procedures are intended to simplify and expedite the licensing process by combining the prefiling consultation and environmental review processes into a single process, to facilitate greater participation, and to improve communication and cooperation among the participants.

Applicant Prepared EA Process and Fifteen Mile Falls Project Schedule

New England Power has distributed an Initial Consultation Document for the proposed project to stated and federal resource agencies, Indian tribes, and NGOs. New England Power has been engaged in settlement discussions, and met with the participants on February 12, 1998, for final approval by the participants. New England Power has submitted a proposed schedule for the APEA process that leads to the filing of a new license application by March 1999. New England Power has scheduled a presentation to the Commission staff at the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC, on March 19, 1998, in the afternoon.

Comments

Interested parties have 30 days from the date of this notice to file with the Commission, any comments on New England Power's proposal to use the alternative procedures to file an application for the Fifteen Mile Falls Hydroelectric Project.

Filing Requirements

The comments must be filed by providing an original and 8 copies as required by the Commission's regulations to: Federal Energy Regulatory Commission, Office of the Secretary, Dockets—Room 1A, 888 First Street, NE, Washington, DC 20426.

All comment filings must bear the heading ''Comments on the Alternative Procedures,'' and include the project name and number (Fifteen Mile Falls Hydroelectric Project No. 2077).

For further information on this process or on the presentation, please contact William Guey-Lee of the Federal Energy Regulatory Commission at 202–219–2938 or E-mail at William.Gueylee@FERC.Fed.US.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6796 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–72–002]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

March 11, 1998.

Take notice that on March 6, 1998, Northern Natural Gas Company (Northern), tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to become effective as follows:

Sheet Nos.	Effective date
Sub 39 Revised Sheet No. 50	January 1, 1998.
Sub 40 Revised Sheet No. 50	January 1, 1998.
Sub 41 Revised Sheet No. 50	January 1, 1998.
Sub 42 Revised Sheet No. 50	March 1, 1998.
Sub 43 Revised Sheet No. 50	April 1, 1998.
Sub 39 Revised Sheet No. 51	January 1, 1998.
Sub 40 Revised Sheet No. 51	January 1, 1998.
Sub 41 Revised Sheet No. 51	January 1, 1998.
Sub 42 Revised Sheet No. 51	March 1, 1998.
Sub 43 Revised Sheet No. 51	April 1, 1998.
Sub 37 Revised Sheet No. 53	January 1, 1998.
Sub 38 Revised Sheet No. 53	January 1, 1998.
Sub 39 Revised Sheet No. 53	March 1, 1998.
Sub 40 Revised Sheet No. 53	April 1, 1998.

Northern states that this filing establishes a revised 1997–1998, System Balancing Agreement (SBA) Cost Recovery surcharge to be effective January 1, 1998.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be

[1] Order No. 596, Regulations for the Licensing of Hydroelectric Projects, 81 FERC ¶ 61,103 (1997).

filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken in this proceeding, but will not serve to make protestants parties to the proceeding. Copies of this filing are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6799 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP98–99–000]

Tennessee Gas Pipeline Company; Notice of Technical Conference

March 11, 1998.

The filing in the above captioned proceeding raises issues that should be addressed in a technical conference.

Take notice that the technical conference will be held on Wednesday, April 8, 1998, at 10:00 a.m., in a room to be designated at the offices of the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426.

All interested parties and Staff are permitted to attend.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6800 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. MG98–3–001, MG98–2–001, and MG98–4–001]

East Tennessee Natural Gas Company, Midwestern Gas Transmission Company, and Tennessee Gas Pipeline Company; Notice of Filing

March 11, 1998.

Take notice that on February 27, 1998, East Tennessee Natural Gas Company (East Tennessee), Midwestern Gas Transmission Company (Midwestern) and Tennessee Gas Pipeline Company (Tennessee) each filed revised standards of conduct.

East Tennessee, Midwestern and Tennessee each state that it served a copy of its filing on all of its customers and affected state regulatory commissions.

Any person desiring to be heard or to protest one or more of the filings should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C., 20426, in accordance with Rules 211 or 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.211 or 385.214. All such motions to intervene or protest should be filed on or before March 26, 1998. Protests will be considered by the Commission in determining the appropriate action to be taken but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6795 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP98–150–000 and CP98–151–000]

Millennium Pipeline Company, L.P. and Columbia Gas Transmission Corporation; Notice of Change of Location for Scoping Meeting

March 11, 1998.

The location for the environmental scoping meeting in Mount Vernon, New York, on March 24, 1998, has been changed from the Mount Vernon High School to the following facility: Mark Twain Junior High School, 160 Woodlawn Avenue, Auditorium, Yonkers, New York.

For further information, call Paul McKee, Office of External Affairs, at (202) 208–1088.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 98–6793 Filed 3–16–98; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5979–3]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Clean Air Act Tribal Authority

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Clean Air Act Tribal Authority (OMB Control No. 2060–0306), expiring 03/31/98. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at farmer.sandy@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1676.02.

SUPPLEMENTARY INFORMATION:

Title: Clean Air Act Tribal Authority (OMB Control No. 2060–0306; EPA ICR No. 1676.02.) expiring 03/31/98. This is a request for an extenstion of the currently approved collection.

Abstract: This ICR requests clearance of EPA's review and approval process for determining Tribe eligibility to carry out the Clean Air Act (CAA). Tribes may choose to submit a CAA eligibility determination and a CAA program application to EPA at the same time for approval and EPA will review both submittals simultaneously. EPA will use this information to determine if a Tribe meets the statutory criteria under section 301(d) of the CAA and is qualified for purposes of implementing an Air Quality Program. Section 114 of the CAA is the authority for the collection of information.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** Notice required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/29/97 (62 FR 56160); no comments were received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 40 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions;

develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Clean Air Act Tribal Authority.

Estimated Number of Respondents: 36.

Frequency of Response: Once, at the time of application.

Estimated Total Annual Hour Burden: 480 hours.

Estimated Total Annualized Cost Burden: 0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1676.02 and OMB Control No. 2060–0306 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, OPPE Regulatory Information Division (2137), 401 M Street, SW, Washington, DC 20460

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW, Washington, DC 20503

Dated: March 11, 1998.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 98–6877 Filed 3–16–98; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–00235; FRL–5777–3]

Forum on State and Tribal Toxics Action (FOSTTA) Projects; Open Meetings

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Four projects of the Forum on State and Tribal Toxics Action (FOSTTA) will hold meetings open to the public at the time and place listed below in this notice. The public is encouraged to attend the proceedings as observers. However, in the interest of time and efficiency, the meeting is structured to provide maximum opportunity for state, tribal, and EPA invited participants to discuss items on the predetermined agenda. At the discretion of the chair of the project, an effort will be made to accommodate participation by observers attending the proceedings.

DATES: The four projects will meet March 30, 1998, from 8 a.m. to 5 p.m. and March 31, 1998, from 8 a.m. to noon. There will be a plenary session on Community-Based Environmental Protection on Monday, March 30, 1998, from 8 a.m. to 9:30 a.m.

ADDRESSES: The meetings will be held at The Embassy Suites Hotel, 1900 Diagonal Road, Alexandria, VA.

FOR FURTHER INFORMATION CONTACT: Darlene Harrod, Designated Federal Official (DFO), Environmental Assistance Division (7408), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460; telephone: (202) 260–6904; e-mail: harrod.darlene@epamail.epa.gov. Any observer wishing to speak should advise the DFO at the telephone number or e-mail address listed above no later than 4 p.m. on March 26, 1998.

SUPPLEMENTARY INFORMATION: FOSTTA, a group of state and tribal toxics environmental managers, is intended to foster the exchange of toxics-related program and enforcement information among the states/tribes and between the states/tribes and EPA's Office of Prevention, Pesticides and Toxic Substances (OPPTS) and Office of Enforcement and Compliance Assurance (OECA). FOSTTA currently consists of the Coordinating Committee and four issue-specific projects. The projects are the: (1) Toxics Release Inventory Project; (2) Pollution Prevention Project; (3) Chemical Management Project; and (4) Lead (Pb) Project.

List of Subjects

Environmental protection.

Dated: March 5, 1998.

Susan B. Hazen,

Director, Environmental Assistance Division, Office of Pollution Prevention and Toxics.

[FR Doc. 98–6873 Filed 3–16–98; 8:45 am]

BILLING CODE 6560–50–F

ENVIRONMENTAL PROTECTION AGENCY

[FRL–5979–2]

Agency Information Collection Activities OMB Responses

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notices.

SUMMARY: This document announces the Office of Management and Budget's (OMB) responses to Agency clearance requests, in compliance with the Paperwork Reduction Act (44 U.S.C. 3501 et. seq.). An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15.

FOR FURTHER INFORMATION CONTACT: Call Sandy Farmer at (202) 260–2740, or E-mail at ''farmer.sandy@epamail.epa.gov,'' and please refer to the appropriate EPA Information Collection Request (ICR) Number.

SUPPLEMENTARY INFORMATION:

OMB Responses to Agency Clearance Requests

OMB Approvals

EPA ICR No. 0818.06; Hazardous Waste Industry Studies; was approved 02/10/98; OMB No. 2050–0042; expires 07/31/98.

EPA ICR No. 1593.04; Standards of Performance for Air Emission Standards for Tanks, Surface Impoundments, and Containers—40 CFR part 264, subpart CC, and 40 CFR part 265, subpart CC; was approved 02/13/98; OMB No. 2060–0318; expires 02/28/2001.

EPA ICR No. 1818.01; EPA's Transportation Partners; was approved 02/09/98; OMB No. 2010–0028; expires 08/31/99.

EPA ICR No. 0318.07; Clean Water Needs Survey; was approved 03/03/98; OMB No. 2040–0055; expires 12/31/99.

EPA ICR No. 1842.01; Notice of Intent of Storm Water Discharges Associated with Construction Activity under an NPDES General Permit—40 CFR 122.21; was approved on an emergency basis for six months on 02/23/98; OMB No. 2040–0188; expires 08/31/98.

EPA ICR No. 1659.03; National Emission Standards for Hazardous Air Pollutants for Source Categories: Gasoline Distribution (Stage 1)—40 CFR part 63, subpart R; was approved 02/27/98; OMB No. 2060–0325; expires 02/28/2001.

EPA ICR No. 1814.01; National Health Protection Survey of Beaches; was approved 02/20/98; OMB No. 2040–0189; expires 02/28/2000.

EPA ICR Withdrawn

EPA ICR Nos. 1839.01 and 1591.09, Modification to Standards and Requirements for Reformulated and Conventional Gasoline; was withdrawn from OMB 02/13/98.

OMB Disapproval

EPA ICR No. 1837.01; Four Private-Party Anecdotal Surveys Regarding Prospective Purchaser Agreements and Comfort/Status Letters; was disapproved by OMB 02/06/98.

Dated: March 11, 1998.

Joseph Retzer,

Director, Regulatory Information Division.

[FR Doc. 98–6878 Filed 3–16–98; 8:45 am]

BILLING CODE 6560–50–M

ENVIRONMENTAL PROTECTION AGENCY

[OPP–00512; FRL–5758–1]

Testing Guidelines; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability.

SUMMARY: EPA has established a unified library for test guidelines issued by the Office of Prevention, Pesticides and Toxic Substances (OPPTS). The unified library for test guidelines is periodically updated by notices of availability of final test guidelines in the **Federal Register**. This notice describes the unified library of OPPTS guidelines and announces the availability of final test guidelines for the following two series: Series 810—Product Performance Test Guidelines, Groups A and C; and Series 840—Spray Drift Test Guidelines. The changes to the guidelines are editorial in nature and do not amend the existing requirements under the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). For both the 810 and 840 Series, the guidance for conducting the test studies has not been revised; however, background information provided in OPPTS 810.1000 and 840.1000 has been updated. Explicit test requirements for registration are set out in 40 CFR part 158 and the test guidelines contain standards for and examples of acceptable testing. Once final test guidelines are available through the U.S. Government Printing Office (GPO) and the Internet, earlier guidelines published as the Office of Pesticide Programs (OPP) Pesticide Assessment Guidelines will be removed from National Technical Information Services (NTIS).

ADDRESSES: The test guidelines are available from the U.S. Government Printing Office, Washington, DC 20402 on the **Federal Bulletin Board**. By modem dial (202) 512–1387, telnet and ftp: fedbbs.access.gpo.gov (IP 162.140.64.19) or for disks or paper copies: call (202) 512–0132. The test guidelines are also available electronically in ASCII and PDF (portable document format) from the EPA's World Wide Web site (http://www.epa.gov/epahome/research.htm) under the heading ''Researchers and Scientists/Test Methods and Guidelines/OPPTS Harmonized Test Guidelines.''

FOR FURTHER INFORMATION CONTACT: *For general information*: By mail: Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) information: Contact the Communications Services Branch (7506C), Field and External Affairs Division, Office of Pesticide Programs, Environmental Protection Agency, 401 M St., SW., Washington, DC 20460, telephone number: (703) 305–5017, fax number: (703) 305–5558.

For technical questions on Series 810 Group A test guidelines: David Brassard, (703) 308–1804 or e-mail: brassard.david@epamail.epa.gov.

For technical questions on Series 810 Group C test guidelines: Phillip Hutton, (703) 308–8260 or e-mail: hutton.phil@epamail.epa.gov.

For technical questions on Series 840 test guidelines: Arnet Jones, 703–305–7416 or e-mail: jones.arnet@epamail.epa.gov.

SUPPLEMENTARY INFORMATION:

I. EPA's Process for Developing a Unified Library of Test Guidelines

EPA's OPPTS has been engaged in a multi-year project to harmonize and/or update test guidelines among the OPP, the Office of Pollution Prevention and Toxics (OPPT), and the Organization for Economic Cooperation and Development (OECD). The goals of the project include the formulation of harmonized OPP and OPPT test guidelines for those in common between the two programs, the harmonization of OPPT and/or OPP test guidelines with those of the OECD, as well as the updating of any test guidelines unique to OPP or OPPT programs.

Test guidelines that are changed substantively in the harmonization process or through other updating/amending activities, or which are new (e.g., for a previously unaddressed test endpoint) will be made available for public comment by notice in the **Federal Register**. Additionally, EPA submits substantively revised and new test guidelines to peer review by expert scientific panels. Test guidelines which are reformatted but not changed in any substantive way are not made available for public comment or submitted to peer review.

All final test guidelines will be made available through the GPO electronic *Federal Bulletin Board* and the Internet on the EPA World Wide Web Home Page as a unified library of OPPTS test guidelines for use by either EPA program office. Printed versions of the unified library of OPPTS test guidelines will also be available to the public through the GPO. For purposes of this **Federal Register** notice, ''publication'' of the unified library of test guidelines generally describes the availability of these final guidelines through the GPO and the Internet. Because harmonization and updating is an ongoing task that will periodically result in modified test guidelines, some test guidelines being made available via GPO and the Internet will be revised in the future. These efforts will ensure that industry is provided with test guidelines that are current. Explicit test requirements for pesticide registration are set out in 40 CFR part 158 which refers to specific test guidelines by guideline number. EPA recommends that the OPPTS test guidelines available through GPO and the Internet be consulted instead of the OPP Pesticide Assessment Guidelines published earlier through NTIS.

The test guidelines appearing in the unified library will be given numerical designations that are different from the designations provided at 40 CFR parts 158, 795, 796, 797, 798, and 799. OPPTS test guidelines will be published in 10 disciplinary series as follows:

Series 810—Product Performance Test Guidelines
Series 830—Product Properties Test Guidelines
Series 835—Fate, Transport and Transformation Test Guidelines
Series 840—Spray Drift Test Guidelines
Series 850—Ecological Effects Test Guidelines
Series 860—Residue Chemistry Test Guidelines
Series 870—Health Effects Test Guidelines
Series 875—Occupational and Residential Exposure Test Guidelines
Series 880—Biochemicals Test Guidelines
Series 885—Microbial Pesticide Test Guidelines

As each notice of availability is published for a set of test guidelines, the notice will contain a ''Master List'' for the series affected, which cross references the new OPPTS guideline

numbers to the original OPP, OPPT, and OECD numbers.

810 and 840 Series

These final test guidelines in the 810 Series replace the corresponding test guidelines published in the OPP Pesticide Assessment Guidelines, Subdivision G: Product Performance (EPA Report 540/9–82–026, October 1982). The Group A test guideline, OPPTS 810.1000, provides an overview, definitions, and general considerations for product performance testing. In addition, test standards for pesticides other than antimicrobials are included in this test guideline. This test guideline replaces OPP guidelines 90–1 through 90–30, 92–1 through 92–20, and 93–1 through 93–30. For Group C, the Agency is republishing only those efficacy or product performance test guidelines for public health uses of invertebrate control agents. The test guidelines in Group C have been minimally edited with no substantive changes and replace OPP guidelines 95–1 through 95–30. Group B (Public Health Uses of Antimicrobial Agents) and Group D (Vertebrate Control Agent Product Performance Guidelines) are under development and will be published in the future. The OPPTS Series 840—Spray Drift guidelines replace the OPP Pesticide Assessment Guidelines, Subdivision R: Pesticide Spray Drift Evaluation (EPA Report 540/9–84–002, April 1984), OPP guidelines 200–1 through 200–4, 201–1, and 202–1. The guidelines in the 840 series have been minimally edited for re-publication, but have not been changed in any substantive way except for the description of the ongoing effort in developing the Spray Drift Data Base included in OPPTS 840.1000. Although the Agency plans to revise its approach for testing for spray drift in the future, the current guidelines are in effect and are being republished as part of the unified library of OPPTS test guidelines. When the Agency has completed the process of revising the Spray Drift guidelines, the revised guidelines will replace the current guidelines.

II. Notice of Availability of Final Test Guidelines

This notice announces the availability of final test guidelines in the 810 Series (Group A and Group C) and the 840 Series. The following is the list of guidelines being made available at this time.

Series 810—Product Performance Test Guidelines

OPPTS Number	Name	Existing Numbers			EPA Pub. no.
		OTS	OPP	OECD	712–C–
	Group A—General.				
810.1000	Overview, Definitions, and General Considerations	none	90–1, 90–3 90–30	none	98–001
	Group C—Invertebrate Control Agent Product Performance Test Guidelines.				
810.3000	General considerations for efficacy of invertebrate control agents	none	95–1	none	98–409
810.3100	Soil treatments for imported fire ants	none	95–3	none	98–410
810.3200	Livestock, poultry, fur- and wool-bearing animal treatments	none	95–8	none	98–414
810.3300	Treatments to control pests of humans and pets	none	95–9, 95–30	none	98–411
810.3400	Mosquito, black fly, and biting midge (sand fly) treatments	none	95–10	none	98–419
810.3500	Premises treatments	none	95–11, 95–30	none	98–413
810.3600	Structural treatments	none	95–12	none	98–424

Series 840—Spray Drift Test Guidelines

OPPTS Number	Name	Existing Numbers			EPA Pub. no.
		OTS	OPP	OECD	712–C–
840.1000	Background for pesticide aerial drift evaluation	none	201–1, 201–4	none	98–319
840.1100	Spray droplet size spectrum	none	201–1	none	98–055
840.1200	Spray drift field deposition	none	202–1	none	98–112

List of Subjects

Environmental protection, Hazardous substances, Health.

Dated: March 10, 1998.

Susan H. Wayland,

Acting Assistant Administrator, Office of Prevention, Pesticides and Toxic Substances.

[FR Doc. 98–6874 Filed 3–16–98; 8:45 am]

BILLING CODE 6065–50–F

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

March 11, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing

effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 16, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0106.

Title: Section 43.61, Reports of Overseas Telecommunications Traffic.

Form No.: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 248.

Estimated Time Per Response: 160 hours.

Frequency of Response: On occasion, quarterly, and annual reporting requirements.

Cost to Respondents: $98,900.

Total Annual Burden: 7,554 hours.

Needs and Uses: The telecommunications traffic data report is an annual reporting requirement imposed on common carriers engaged in the provision of overseas telecommunications services. The reported data is useful for international planning, facility authorization, monitoring emerging developments in communications services, analyzing market structures, tracking the balance of payments in international communications services, and market analysis purposes. The reported data enables the Commission to fulfill its regulatory responsibilities.

OMB Control No.: 3060–0206.

Title: Part 21—Multipoint Distribution Service Stations.

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 8,299.

Estimated Time Per Response: Ranges from .083 hours to 10 hours depending on the rule section.

Frequency of Response: On occasion reporting requirement.

Cost to Respondents: $481,800.

Total Annual Burden: 16,114 hours.

Needs and Uses: The information requested under Part 21 is used by the Commission staff to fulfill its obligations as set forth in Sections 308 and 309 of the Communications Act of 1934, as amended, to determine the technical, legal and other qualifications of applicants to operate a station in the MDS services. The information is also used to determine whether grant of an application will service the public interest, convenience and necessity, as required by Section 309 of the Communications Act. The staff also uses this information to ensure that applicants and licensees comply with the ownership and transfer restrictions imposed by Section 310 of the Act. On February 9, 1996, the Commission adopted a Report and Order in WT Docket No. 94–148, Terrestrial Microwave Fixed Radio Services. This Report and Order adopted a new part 101 and reorganized and amended Part 21. With this action, Part 21 contains only rules applicable to MDS. This action was approved by OMB on 9/8/96 with an OMB Control Number of 3060–0718.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6847 Filed 3–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Notice of Public Information Collection(s) Submitted to OMB for Review and Approval

March 9, 1998.

SUMMARY: The Federal Communications Commission, as part of its continuing effort to reduce paperwork burden invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s), as required by the Paperwork Reduction Act of 1995, Public Law 104–13. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Comments are requested concerning (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimate; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

DATES: Written comments should be submitted on or before April 16, 1998. If you anticipate that you will be submitting comments, but find it difficult to do so within the period of time allowed by this notice, you should advise the contact listed below as soon as possible.

ADDRESSES: Direct all comments to Judy Boley, Federal Communications Commission, Room 234, 1919 M St., N.W., Washington, DC 20554 or via internet to jboley@fcc.gov.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection(s), contact Judy Boley at 202–418–0214 or via internet at jboley@fcc.gov.

SUPPLEMENTARY INFORMATION:

OMB Control No.: 3060–0717.

Title: Billed Party Preference for InterLATA 0+ Calls, CC Docket No. 92–77 (47 CFR Sections 64.703(a), 64.709, 64.710).

Form No.: N/A.

Type of Review: Revision of a currently approved collection.

Respondents: Business or other for-profit.

Number of Respondents: 1,500.
Estimated Time Per Response: 2 seconds—50 hours (avg.)
Frequency of Response: Third party disclosure, on occasion and annual reporting requirements.
Cost to Respondents: $198,000.
Total Annual Burden: 699,157 hours.
Needs and Uses: Pursuant to 47 CFR 64.703(a), operator service providers (''OSPs'') are required to disclose, audibly and distinctly to the consumer, at no charge and before connecting any interstate call, how to obtain rate quotations, including any applicable surcharges. Section 64.709 codifies the requirements for OSPs to file informational tariffs with the Commission. Section 64.710, among other things, requires providers of interstate operator services to inmates at correctional institutions to identify themselves, audibly and distinctly, to the part to be billed. This information collection has incorporated two other information collections contained in 3060–0666 and 3060–0478.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6848 Filed 3–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

Public Information Collection(s) Approved by Office of Management and Budget

March 11, 1998.

The Federal Communications Commission (FCC) has received Office of Management and Budget (OMB) approval for the following public information collection(s) pursuant to the Paperwork Reduction Act of 1995, 44 USC 3501–3520. An agency may not conduct or sponsor a collection of information unless it displays a currently valid control number. Notwithstanding any other provisions of law, no person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act (PRA) that does not display a valid control number. Questions concerning the OMB control numbers and expiration dates should be directed to Jerry Cowden, Federal Communications Commission, (202) 418–0447.

Federal Communications Commission

OMB Control No.: 3060–0308.
Expiration Date: 3/31/2001.
Title: 90.505 Showing required.
Form Number: Not applicable.
Estimated annual burden: 200 hours; 2 hours per response; 100 respondents.
Description: This rule specifies additional information that must be submitted by applicants requesting a developmental authorization. Information is used to evaluate such request.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 98–6846 Filed 3–16–98; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL MARITIME COMMISSION

Notice of Agreement(s) Filed

The Commission hereby gives notice of the filing of the following agreement(s) under the Shipping Act of 1984.

Interested parties can review or obtain copies of agreements at the Washington, DC offices of the Commission, 800 North Capitol Street, N.W., Room 962. Interested parties may submit comments on an agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days of the date this notice appears in the **Federal Register**.

Agreement No.: 232–011614.
Title: CMA/Italia Space Charter and Sailing Agreement.
Parties:

Compagnie Maritime d'Affretement Italia d'Navigazione S.p.A.

Synopsis: The proposed Agreement would permit the parties to charter space to one another and to coordinate their vessel services in the trade between United States Atlantic ports, and inland points via such ports, and ports on the Mediterranean Sea (excluding ports in North Africa), and inland points via such ports. The parties may cooperate with regards to container-related and other equipment, they will endeavor to utilize a common terminal at each port served, and they may agree upon their respective memberships in other agreements serving the trade. The parties have requested a shortened review period.

Agreement No.: 224–201047.
Title: Alabama-Total Logistics Agreement.
Parties:

Alabama State Docks Department
Total Logistics Company, Inc.

Synopsis: The proposed agreement concerns the terms and conditions under which the contractor performs cargo and freight handling services at the port. The term of the agreement runs until December 31, 2002.

Dated: March 12, 1998.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary,

[FR Doc. 98–6853 Filed 3–16–98; 8:45 am]

BILLING CODE 6730–01–M

FEDERAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Federal Trade Commission.

TIME AND DATE: 2:00 p.m., Monday, April 6, 1998.

PLACE: Federal Trade Commission Building, Room 532, 6th Street and Pennsylvania Avenue, N.W., Washington, D.C. 20580.

STATUS: Parts of this meeting will be open to the public. The rest of the meeting will be closed to the public.

MATTERS TO BE CONSIDERED: Portions Open to Public:

(1) Oral Argument in Automative Breakthrough Sciences, Inc., Docket 9275.

Portons Closed to the Public:

(2) Executive Session to follow Oral Argument in Automative Breakthrough Sciences, Inc., Docket 9275.

CONTACT PERSON FOR MORE INFORMATION: Victoria Streitfeld, Office of Public Affairs: (202) 326–2180, Recorded Message: (202) 326–2711.

Donald S. Clark,

Secretary.

[FR Doc. 98–6983 Filed 3–13–98; 11:40 am]

BILLING CODE 6750–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee to the Director, Centers for Disease Control and Prevention: Notice of Charter Renewal Correction

Federal Register Citation of Previous Announcement: 63 FR 7810—dated February 17, 1998.

Notice is given on page 7810, in the second column, the renewal dates should read, ''February 1, 1998, through February 1, 2000.''

For further information, contact Linda Kay McGowan, Acting Executive Secretary, Advisory Committee to the Director, Centers for Disease Control and Prevention, 1600 Clifton Road, NE, (D–23), Atlanta, GA 30333, telephone 404/639–7080 or fax 404/639–7181.

Dated: March 11, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–6810 Filed 3–16–98; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Advisory Committee for Energy-Related Epidemiologic Research (ACERER): Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Pub. L. 92–463) of October 6, 1972, that the Advisory Committee for Energy-Related Epidemiologic Research, Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period beginning February 28, 1998, through February 29, 2000.

For further information, contact Michael J. Sage, Executive Secretary, ACERER, Radiation Studies Branch, National Center for Environmental Health, CDC, 4770 Buford Highway, NE (M/S F–35), telephone 770/488–7040 or fax 770/488–7044.

Dated: March 11, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–6809 Filed 3–16–98; 8:45 am]

BILLING CODE 4861–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

The National Institute for Occupational Safety and Health (NIOSH) of the Centers for Disease Control and Prevention (CDC); Meeting

Name: National Occupational Research Agenda (NORA) Musculoskeletal Team and Health Care Focus Group Meeting.

Time and Date: 9 a.m.–4:30 p.m., April 27, 1998.

Place: Washington Plaza Hotel, 10 Thomas Circle, NW, Washington DC 20005, telephone 202/371–1300.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Purpose: The NORA Musculoskeletal Committee is hosting a series of meetings to gather information, from a large array of partners, regarding important needs and issues with respect to prevention of musculoskeletal disorders in the health care industry. These meetings will use focus groups to elicit areas of concern as expressed by representatives of various health care sectors. The present meeting will address the following sectors: Acute care, ambulatory care, home health care, and long-term care.

The Committee will share with each specific sector a series of questions helpful in identifying potential research needs. Each sector will develop their own list of research needs. After the three regional meetings are completed, the NORA Musculoskeletal Team will combine the research needs into a consolidated list. The researchers will be asked to identify research activities which can address research needs identified at the regional meetings. A separate meeting of musculoskeletal researchers is proposed for summer 1998.

The goal of these meetings is to develop a research agenda that reflects the needs and information gaps identified by individuals who confront musculoskeletal disorders frequently, including those in industry, labor, and professional and non-professional groups. Output from the meeting will consist of a research agenda for health care, as well as transcripts. Meetings will be audio-taped to develop the transcript of the meeting, and to describe the process as well as the final outcome. Once the research agenda has been established, work will begin on the implementation process.

The goal of this process is to include diverse groups in the process of addressing and examining research needs of musculoskeletal disorders in the health care field and approaching practical ways of implementation and funding of this research. The goal is reflected in the motto of the NORA Musculoskeletal Committee: ''Promote Health and Reduce Lost Work Time.''

CONTACT PERSON FOR MORE INFORMATION: Bruce Bernard, NIOSH, CDC, 4676 Columbia Parkway, R–10, Cincinnati, Ohio 45226, telephone 513/841–4589, e-mail address: bpb4@cdc.gov.

Dated: March 10, 1998.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 98–6811 Filed 3–16–98; 8:45 am]

BILLING CODE 4160–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Arthritis Advisory Committee; Amendment of Notice

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an amendment to the notice of meeting of the Arthritis Advisory Committee Meeting. This meeting was announced in the **Federal Register** of March 3, 1998 (63 FR 10399). The amendment is being made to reflect a change in the location for the March 24 and 25, 1998, meeting. There are no other changes.

FOR FURTHER INFORMATION CONTACT: Kathleen R. Reedy or LaNise Giles, Center for Drug Evaluation and Research (HFD–21), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–443–5455, or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area), code 12532.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of March 3, 1998 (63 FR 10399), FDA announced that a meeting of the Arthritis Advisory Committee would be held at the Holiday Inn Gaithersburg, Walker and Whetstone Rooms, Two Montgomery Village Ave., Gaithersburg, MD. On page 10399, beginning in the 3d column, the *Location* portion of this meeting is amended to read as follows:

Location: Hilton Hotel, Ballrooms I, II, and III, 620 Perry Pkwy., Gaithersburg, MD.

Dated: March 11, 1998.

Michael A. Friedman,

Deputy Commissioner for Operations.

[FR Doc. 98–6821 Filed 3–16–98; 8:45 am]

BILLING CODE 4160–01–F

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Agency Information Collection Activities: Proposed Collection: Comment Request

In compliance with the requirement for opportunity for public comment on proposed data collection projects (section 3506(c)(2)(A) of Title 44, United States Code, as amended by the Paperwork Reduction Act of 1995, Pub.

L. 104–13), the Health Resources and Services Administration (HRSA) will publish periodic summaries of proposed projects being developed for submission to OMB under the Paperwork Reduction Act of 1995. To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, call the HRSA Reports Clearance Officer on (301) 443–1129.

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: Increasing Donor Awareness on College Campuses; New

Despite apparent widespread public support for organ donation and transplantation, few individuals in the United States declare intent to be organ and tissue donors. Innovative interventions are necessary to help individuals move from positive attitudes about organ donation to the behaviors of declaring intent and informing family of that intent. The goal of the current project is to develop, implement and evaluate a donor awareness program on college and university campuses. The specific aim of the study is to evaluate the effect of a 6-month college-wide intervention program on organ donation intentions. An experimental design will be used consisting of two pairs of colleges matched on variables including freshman class size, geographic region, and cultural diversity of the student body. The design is a 2 (Intervention × Control) by 2 (School pair 1 × School pair 2). To increase donor awareness, intervention schools will receive a ''how-to-kit'' to aid them in implementing a campus-wide donor campaign. This kit will provide materials and activities, and serve as a guide for initiating an organ and tissue donor awareness campaign. The kits will be standardized across schools. Donation intentions and other variables of interest will be assessed by means of self-administered questionnaires completed by a sample of students at each university at two time periods, prior to and following the 6-month intervention period. The frequency of students declaring intent to donate organs and documenting that intent via college student identification cards or donor cards is the primary outcome measure. The frequency of students reporting that they have informed family members of their donation intent also will be evaluated. In addition, secondary and process outcomes (e.g., levels of readiness to become an organ donor) will be assessed.

The estimated respondent burden is as follows:

Survey phase	Number of respondents	Responses per respondent	Hours per response	Total hour burden
Baseline	4,000	1	0.3	1,200
Follow-up	4,000	1	0.3	1,200
Total	4,000	2	0.3	2,400

Send comments to Patricia Royston, HRSA Reports Clearance Officer, Room 14–36, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: March 10, 1998.

Jane Harrison,

Acting Director, Division of Policy Review and Coordination.

[FR Doc. 98–6778 Filed 3–16–98; 8:45 am]

BILLING CODE 4160–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Institutes of Health

[Announcement 98044]

Implementation of the National Occupational Research Agenda; Notice of Availability of Funds for Fiscal Year 1998

Introduction

The Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) announce that grant applications are being accepted for research related to some of the priority areas identified in the National Occupational Research Agenda (NORA) that is described in the Background section. Three types of grants will be supported: traditional research projects, demonstration projects, and pilot studies (see MECHANISMS OF SUPPORT section).

CDC and NIH are committed to achieving the health promotion and disease prevention objectives of ''Healthy People 2000,'' a national activity to reduce morbidity and mortality and improve the quality of life. This announcement is related to the priority areas of ''Occupational Safety and Health'' and ''Unintentional Injuries.'' (For ordering a copy of ''Healthy People 2000,'' see the section Where To Obtain Additional Information.)

This announcement is jointly sponsored by (1) the National Institute for Occupational Safety and Health (NIOSH) in CDC, (2) the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) in the National Institutes of Health (NIH), (3) the National Institute of Environmental Health Sciences (NIEHS) in NIH, and (4) the National Heart, Lung, and Blood Institute (NHLBI) in NIH. The portion of this initiative dealing with older workers is also of interest to the National Institute on Aging (NIA) in NIH.

Authority

This program is authorized under the Public Health Service Act, as amended,

Section 301(a) [42 U.S.C. 241(a)], and the Occupational Safety and Health Act of 1970, Section 20(a) [29 U.S.C. 669(a)]. The applicable program regulation is 42 CFR Part 52.

Smoke-Free Workplace

CDC and NIH strongly encourage all grant recipients to provide a smoke-free workplace and promote the non-use of all tobacco products, and Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities that receive Federal funds in which education, library, day care, health care, and early childhood development services are provided to children.

Eligible Applicants

Eligible applicants include domestic and foreign non-profit and for-profit organizations, universities, colleges, research institutions, and other public and private organizations, including State and local governments, and small, minority and/or woman-owned businesses.

Note: Effective January 1, 1986, Public Law 104–65 states that an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible to receive Federal funds constituting an award, grant (cooperative agreement), contract, loan, or any other form.

Availability of Funds

Approximately $8.0 million is available in fiscal year (FY) 1998 to fund approximately 45–50 grants. The approximate amounts that are expected to be available by each Institute are: NIOSH—$5.0 million, NIAMS—$1.0 million, NIEHS—$1.0 million, NHLBI—$1.0 million.

Target amounts for the NORA priority areas are as follows:

1. Occupational irritant contact dermatitis (approximately $1.0M).

2. Work-related musculoskeletal disorders, traumatic injuries, indoor environment, and asthma and chronic obstructive pulmonary disease (COPD) (approximately $3.0M).

3. Special populations at risk—nature and magnitude of the special risk factors experienced by older and/or minority workers (approximately $1.0M).

4. Social and economic consequences of workplace illness and injury and health services research (approximately $1.0M).

5. Intervention effectiveness research—the evaluation of existing or new interventions for work-related musculoskeletal disorders, traumatic injuries, asthma and COPD and other occupational risks via changes in work organization factors, through the implementation of control technology or other worker protection techniques (approximately $2.0M).

Awards are anticipated to range up to $250,000 in total costs (direct and indirect) per year for traditional research and demonstration projects, and up to $50,000 in direct costs for pilot studies.

Only applications that are found to be of high scientific merit will be considered for funding and not all of the funds will be spent if there are not enough highly meritorious applications.

The amount of funding available may vary and is subject to availability of funds. Awards are expected to begin in September 1998, although some awards may not begin until FY 99. Awards will be made for a 12-month budget period within a project period not to exceed 3 years for traditional research and demonstration projects, and 2 years for pilot studies.

Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds.

Use of Funds

Restrictions on Lobbying

Applicants should be aware of restrictions on the use of HHS funds for lobbying of Federal or State legislative bodies. Under the provisions of 31 U.S.C. 1352 (which has been in effect since December 23, 1989), recipients (and their subtier contractors) are prohibited from using appropriated Federal funds (other than profits from a Federal contract) for lobbying Congress or any Federal agency in connection with the award of a particular contract, grant, cooperative agreement, or loan. This includes grants/cooperative agreements that, in whole or in part, involve conferences for which Federal funds cannot be used directly or indirectly to encourage participants to lobby or to instruct participants on how to lobby.

In addition, the FY 1998 Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act (Pub. L. 105–78) states in Section 503 (a) and (b) that no part of any appropriation contained in this Act shall be used, other than for normal and recognized executive-legislative relations, for publicity or propaganda purposes, for the preparation, distribution, or use of any kit, pamphlet, booklet, publication, radio, television, or video presentation designed to support or defeat legislation pending before the Congress or any State legislature, except in presentation to the Congress or any State legislature itself. No part of any appropriation contained in this Act shall be used to pay the salary or expenses of any grant or contract recipient, or agent acting for such recipient, related to any activity designed to influence legislation or appropriations pending before the Congress or any State legislature.

Background

In 1970, Congress passed the Occupational Safety and Health Act ''to assure so far as possible every working man and woman in the Nation safe and healthful working conditions.'' In the years since then, substantial progress has been made in improving worker protection. Much of this progress has been based on actions guided by occupational safety and health research. However, workplace hazards continue to inflict a tremendous toll in both human and economic costs. Employers reported 6.3 million work injuries and 515,000 cases of occupational illnesses in 1994. In 1995, occupational injuries alone cost $119 billion in lost wages and lost productivity, administrative expenses, health care, and other costs. This figure does not include the costs of occupational diseases. Research is needed to advance the scientific base of knowledge necessary to define optimal strategies for ensuring the safety and health of all workers.

In 1996, the National Institute for Occupational Safety & Health (NIOSH) and its partners in the public and private sectors developed the National Occupational Research Agenda (NORA) to provide a framework to guide occupational safety and health research into the next decade—not only for NIOSH, but also for the entire occupational safety and health community. The Agenda identifies 21 research priorities and reflects consideration of both current and emerging needs. The priority areas are not ranked because each is considered to be of equal importance. Because the funding resources available for this special announcement are limited, both internal and external partners have recommended that only a subset of the priority areas be targeted as initial areas of emphasis in order to have a meaningful impact in any area. It is expected that, in future years, the remaining NORA priorities will receive similar, much-deserved attention.

Purpose

The purpose of this grant program is to develop knowledge that can be used in preventing occupational diseases and injuries and to better understand their underlying pathophysiology. Thus, the following types of applied research

projects will be supported: Causal research to identify and investigate the relationships between hazardous working conditions and associated occupational disease and injury; the nature and magnitude of special risk factors experienced by older and/or minority workers; methods research to develop more sensitive means of evaluating hazards at work sites; and evaluations of the effectiveness of prevention and intervention programs, including new approaches or combinations of techniques such as control technologies, personal protective equipment and changes in work organization factors, which have been developed and implemented in workplaces.

Mechanisms of Support

The types of grants supported under this announcement are as follow:

1. Research Project Grants (R01)

A research project grant application should be designed to establish, discover, develop, elucidate, or confirm information relating to occupational safety and health, including innovative methods, techniques, and approaches for addressing problems. These studies may generate information that is readily available to solve problems or contribute to a better understanding of the causes of work-related diseases and injuries.

2. Demonstration Project Grants (R18)

A demonstration project grant application should address the technical or economic feasibility of implementing a new/improved innovative procedure, method, technique, or system for preventing occupational safety or health problems. The project should be conducted in an actual workplace where a baseline measure of the problem will be defined, the new/improved approach will be implemented, a follow-up measure of the problem will be documented, and an evaluation of the benefits will be conducted.

3. Pilot Study Grants (R03)

A pilot study is a preliminary evaluation for the purpose of developing the foundation for a future, more comprehensive study. Thus, a pilot study might test feasibility, collect initial data, refine methodology, or evaluate critical factors that would influence the ability to conduct a larger study. An application should contain a clear description of how the pilot study could form the basis for preparing a research proposal that would be submitted for competitive review, in the future, if the results of the pilot study are promising. The application should include only the following sections of the PHS 398 application form: face page (in item 2, place ''NORA Pilot Study''), abstract, budget, key person biosketches, aims, background, study plan, and human or animal subject matters. There is a 15 page limit for the aims, background, and study plan, not including references. The budget for an entire pilot study is limited to $50,000 in direct costs for a period of up to two years.

Programmatic Interest

The research needs identified in this announcement are consistent with the NORA developed by NIOSH and partners in the public and private sectors to provide a framework to guide occupational safety and health research in the next decade towards topics which are most pressing and most likely to yield gains to the worker and the nation. The Agenda identifies 21 research priorities. The NORA document is available through the NIOSH Home Page at http://www.cdc.gov/niosh/nora.html.

Potential applicants with questions concerning the acceptability of their proposed work are strongly encouraged to contact the technical information personnel listed in this announcement in the section WHERE TO OBTAIN ADDITIONAL INFORMATION.

Applications responding to this announcement will be reviewed by staff for their responsiveness to the following program interests and their potential for developing knowledge that can be used in preventing occupational diseases and injuries.

Targeted NORA Priority Areas for this announcement are as follow:

1. *Occupational Irritant Contact Dermatitis.* This announcement targets a part of the NORA priority area, Allergic and Irritant Dermatitis. In 1993, the Bureau of Labor Statistics (BLS) data estimated an incidence of 76 cases of occupational skin disorders (OSDs) per 100,000 U.S. workers, making OSDs the most common non-trauma-related occupational disease affecting workers in many different occupations. Irritant contact dermatitis (ICD) is the most common form of dermatitis, usually resulting from reactions to chemical irritants such as solvents and cutting fluids. The goal of the ''Healthy People 2000'' is to reduce OSDs to an incidence of not more than 55 per 100,000. To aid in achieving this national health objective, further research in ICD is needed.

Research applications are sought in the following areas: (1) methods for identifying irritants prior to introduction into the workplace; (2) pathophysiology of ICD; (3) the genetic basis of susceptibility; (4) the influence of environmental factors on ICD; (5) the relationship of ICD to allergic contact dermatitis; (6) methods to identify skin changes that precede overt clinical disease; (7) risk factors for initiation and/or chronicity of ICD; (8) methods for measuring skin exposure and skin deposition; (9) methods for assessing percutaneous penetration and evaluating skin barrier function; (10) intervention design and evaluation; (11) enhanced membrane/film development for skin protection; (12) improved procedures for testing chemical protective clothing (CPC) field performance; and, (13) the effectiveness of CPC and/or barrier creams. The ultimate goal is the primary, secondary, and tertiary prevention of ICD.

2a. Work-Related Musculoskeletal Disorders. Thirty-two percent of the injuries and illnesses recorded in the BLS survey in 1994 involved musculoskeletal (MS) injuries or disorders and resulted from over-exertion or repetitive motion. In the United States (U.S.), back disorders account for 27 percent of all nonfatal occupational injuries and illnesses involving days away from work. Musculoskeletal disorders of the upper extremities (such as carpal tunnel syndrome and rotator cuff tendinitis) due to work factors are common and occur in nearly all sectors of the economy. More than $2 billion in workers' compensation costs are spent annually on these work-related problems.

Research applications are sought in the following areas: (1) Development and validation of models of nonspecific or specific musculoskeletal disorders which predict biomechanical, biochemical or structural changes in soft tissues resulting from repetitive exposure to physical loads. (An example of this type of research would be to develop an animal model for investigating the effects of repetitive use of tendons, ligaments, and synovium); (2) age and gender differences in the biochemistry and/or biomechanical responses of musculoskeletal soft tissues to injury and repair; (3) development and validation of exposure-assessment methods directed toward existing prevention activities in the private sector, State or local government agencies and for future epidemiologic studies of work-related musculoskeletal disorders; (4) epidemiological studies to determine exposure-response (injury/disorder) relationships between work-related musculoskeletal disorders and physical exposures as well as work organization

factors. These studies should include both work and non-work exposure and modifying factors; (5) evaluation of existing or new interventions directed at either primary, secondary, or tertiary prevention of common work-related musculoskeletal disorders. (Projects directed at secondary or tertiary prevention should focus on reducing lost work time and preventing future injuries or disorders, or their recurrence); and (6) evaluation of the effectiveness and outcomes of preventive, diagnostic and medical treatments (includes non-operative, operative, rehabilitative and alternative medicine treatments) for work injuries and illnesses of the musculoskeletal system.

2b. *Traumatic Injuries.* Injury exacts a huge toll in U.S. workplaces. On an average day, 16 workers are killed and more than 17,000 are injured. The leading causes of occupational injury fatalities over the period 1980 to 1992 were motor vehicles, machines, homicides, falls, electrocutions, and falling objects. The leading causes of the nonfatal injuries were overexertion, contact with objects or equipment, and falls.

Relatively good information is available on the overall burden of work injuries including the industries and occupations where they occur most frequently and with greatest severity. The challenge is to move beyond this broad understanding to specific strategies that address the complex interplay between machines, tools, and behavioral and environmental factors that cause injuries at a worksite. Research applications are sought which will: (1) Conduct etiological research into risk factors or contributors to occupational injuries; (2) advance knowledge of the interactions between human performance/human limitations and workplace, machine and equipment design to remove the possibility of unsafe actions; (3) develop models and simulations for the safe design, operation and maintenance of workplaces and equipment; (4) develop cost/benefit analysis models of various prevention strategies; and, (5) develop simple cost-effective injury prevention models and guidelines for application by safety and health practitioners in the field.

2c. Indoor Environment. Traditionally, indoor nonindustrial occupational environments have been considered clean and relatively free of exposures to substances which pose a health hazard. In the last 20 years, however, reports of symptoms and other health complaints related to these indoor environments have been increasing. More than half of the U.S. workforce is employed indoors, and estimates of the proportion of indoor workers affected by these problems range up to 30 percent. Among the requests received annually by NIOSH for occupational health investigations, the proportion related to indoor nonindustrial environments has increased dramatically, from 2 percent in 1980 to 40 percent in recent years.

Research applications are sought in the following areas: (1) Causes or prevention of health effects from indoor work environments, including the transmission of communicable respiratory diseases, asthma or other allergic diseases, or acute symptoms from unknown causes or multiple chemical sensitivities. (Strategies of particular interest include intervention designs to evaluate the effectiveness of environmental controls or of following current practice standards for building operation and improving relevant exposure (microbiological or chemical) assessments); (2) creating practical tools to help the building sector create healthier indoor environments, such as new or improved measurement tools for exposure assessment, and scientifically-validated guidelines to help assure healthy indoor environments (e.g., for design, operation, and maintenance actions, or through building performance); and (3) estimating health and other social and economic consequences (such as health care costs, absenteeism, and productivity losses) resulting from adverse effects of indoor environments, as well as potential benefits of improved indoor environments.

2d. Asthma and Chronic Pulmonary Obstructive Disease. Asthma and Chronic Obstructive Pulmonary Disease (COPD) are leading respiratory diseases in the U.S. and major causes of morbidity and mortality. Although both diseases have nonoccupational causes, workplace exposures also contribute to their development, persistence, and exacerbation. More research is needed to guide efforts to prevent and reduce the occupational contribution to these diseases.

Research applications are sought in the following areas: (1) Estimation of the proportions of COPD and/or asthma in the adult general population that are attributable to occupational causes, including industry- and agent-specific attributable fractions; (2) risk factors for developing asthma or COPD in response to occupational agents, which might include attention to exposure-response relationships, novel means of characterizing exposure or exposure kinetics, host factors, modifying factors (such as smoking or impaired lung function), and conditions necessary for occupational asthma to completely resolve; (3) methods for identifying substances that may cause asthma prior to their introduction into the workplace; (4) application of methodological approaches to assessing the burden of occupational asthma/COPD with attention to healthy worker effect; (5) mechanisms and pathophysiology of asthma or COPD caused by occupational exposures; and (6) approaches useful for effective screening and surveillance of worker populations at risk for airways diseases caused by occupational exposure.

3. Special Populations at Risk. Occupational hazards are known to be distributed differentially, and workers with specific biologic, social and/or economic characteristics are more likely to have increased risks of work-related diseases and injuries. This announcement targets a subset—older workers and racial ethnic minorities—of the special populations included in the NORA priority area. The relative proportions of these special populations within the workforce is increasing. It is estimated that, by the year 2000, approximately 39 percent of the projected U.S. population of 275 million will be a member of a minority population (American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and Hispanic or Latino.) The median age of the U.S. workforce is rising as a result of the aging of the ''baby boom'' generation, an increasing percentage of older workers remaining in the workforce, as well as an increasing number of older workers reentering the workforce after retirement. As a result, between 1992 and 2005, the number of workers aged 55 and older is projected to increase by 38 percent.

Research applications are sought in the following areas: (1) The nature and magnitude of risks to minority and older workers, including the social and biologic factors (e.g., biochemical susceptibility) that may influence a worker's risk for injury or disease; (2) the incidence and mechanisms of diseases and injuries in minority and older worker populations; (3) the interdependence between work organizations and individuals and the consequences of adapting work (flex-place, flex-time, job sharing, retraining, reengineering, etc.) to the needs and capacities of these special populations; and, (4) the characteristics of the work/workplace that facilitate or impede the productivity of older workers and the

ability of older workers to stay in the workforce.

4a. Social and Economic Consequences of Workplace Illness and Injury. Occupational injuries and illnesses remain a leading cause of morbidity, mortality, and economic loss in the United States. The annual costs to employers for workers' compensation increased from $2.1 billion in 1960 to $60 billion by 1992. In addition to the direct costs such as those for health care, employers also incur numerous indirect costs including those for additional hiring and training and disruption of work processes. Other costs are borne by injured workers and their families through reduced income, depletion of savings and increased expenditures and by the community through increased use of social services and cost shifting between health and social service agencies. Leigh, *et al.* (Leigh, J.P. *et al.*, Occupational Injury and Illnesses in the United States, Arch. Intern. Med., 157, 1557–68, 1997) estimated that, for 1992, the total direct and indirect costs associated with occupational injuries and diseases were $171 billion annually, but noted that these estimates were likely to be low in part due to the lack of data for a number of the associated indirect costs.

Research applications are sought in the following areas: (1) Measures of total economic costs (direct and indirect) and non-economic costs borne by injured workers and their families, by employers; and by non-occupational community, State and local government services; and (2) evaluation of the economic benefit of interventions (e.g., ergonomic work system and task redesign) including occupational health service interventions, and assessment of their contribution to the cost of work-related illness and injury at both the service system level (e.g., managed care in compensation services) and service component level (e.g., cost-effectiveness of different clinical treatments for back pain).

4b. Health Services Research. Despite the large burden and cost of work-related morbidity and mortality, relatively little is known about the structure and functioning of occupational health services. Occupational health services (OHS) research includes evaluation of both service components and delivery systems, including distribution and coverage, access, appropriateness, acceptability, utilization, equity, quality, organization, policy and planning, management, financing, productivity, effectiveness and efficiency, and impacts on health needs, health status and occupational hazards.

Research applications are sought in the following areas: (1) Descriptions of the state, the distribution of types, and the prevailing trends in the provision of OHS for the prevention, treatment and rehabilitation of work-related illness and injury, and the interactions of OHS with other parts of the health care system; (2) evaluation, in terms of health and vocational outcomes (e.g., return to work), of different occupational health services and systems (e.g., managed care versus fee-for-service compensation services), and service interventions (e.g., different treatments for back pain); and (3) evaluation of the effectiveness (through clinical trials, observational research, and clinical trials) of the effectiveness and efficiency of clinical therapeutic interventions and rehabilitation modalities for occupational diseases and injuries.

5. Intervention Effectiveness Research. Many workplace prevention and intervention programs have been developed and implemented in workplaces, yet few have undergone systematic evaluation to determine their impact on health and safety outcomes. Evaluations of the effectiveness of intervention efforts can provide crucial guidance and corrective feedback for current and future occupational health and safety (OSH) intervention efforts. Evaluation research, whether descriptive or experimental, can provide a firm base of evidence for what works, what does not, and why, and assure better use of limited resources in workplace implementations of preventive and control strategies. This announcement targets intervention efforts addressing work-related traumatic injuries, musculoskeletal disorders, asthma and COPD as well as the implementation of engineering controls, use of personal protective equipment (PPE) and/or changes in the organization of work systems or tasks.

Research applications are sought which focus on the systematic evaluation of (1) the effectiveness of intervention efforts addressing musculoskeletal disorders, traumatic injuries, and work-related asthma and COPD; (2) the practicality and usability of specific control strategies, technologies and/or PPE in the elimination or reduction of hazards; (3) the identification of critical factors for implementing and conducting effective OSH programs; (4) the components of effective OSH programs, including worker participation programs, training or other organizational and administrative aspects, as well as engineering solutions; and (5) identification and elimination of barriers to the implementation of interventions, such as a lack of acceptance due to practicality, perception that cost is prohibitive, etc.

Applications are encouraged that will evaluate interventions in real work settings, assessment of cost-effectiveness and identification of adverse or unexpected outcomes of interventions.

Reporting Requirements

Progress reports are required annually as part of the continuation application (75 days prior to the start of the next budget period). The annual progress reports must contain information on accomplishments during the previous budget period and plans for each remaining year of the project. Depending upon funding entity, financial status reports (FSR) are required no later than 90 days after the end of the budget period.

The final performance and financial status reports are required 90 days after the end of the project period. The final performance report should include, at a minimum, a statement of original objectives, a summary of research methodology, a summary of positive and negative findings, and a list of publications resulting from the project. Research papers, project reports, or theses are acceptable items to include in the final report. The final report should stand alone rather than citing the original application. Three copies of reprints of publications prepared under the grant should accompany the report.

Evaluation Criteria

Upon receipt, applications will be reviewed by CDC and NIH for completeness and responsiveness and will be assigned to the appropriate Institute. Applications determined to be incomplete or unresponsive to this announcement will be returned to the applicant without further consideration. If the proposed project involves organizations or persons other than those affiliated with the applicant organization, letters of support and/or cooperation must be included.

Applications that are complete and responsive to the announcement will be reviewed by an initial review group and determined to be competitive or non-competitive, based on the review criteria relative to other applications received. Applications determined to be non-competitive will be withdrawn from further consideration and the principal investigator/program director and the official signing for the applicant organization will be promptly notified. Applications judged to be competitive will be discussed and assigned a priority score. Following initial review

for scientific merit, the applications will receive a secondary review for programmatic importance (for applications assigned to NIH Institutes, the review will be conducted by the appropriate Council).

Review criteria for scientific merit are as follows:

1. Technical significance and originality of proposed project.
2. Appropriateness and adequacy of the study design and methodology proposed to carry out the project.
3. Qualifications and research experience of the principal investigator and staff, particularly but not exclusively in the area of the proposed project.
4. Availability of resources necessary to perform the project.
5. Documentation of cooperation from collaborators in the project, where applicable.
6. Adequacy of plans to include both sexes and minorities and their subgroups as appropriate for the scientific goals of the project. (Plans for the recruitment and retention of subjects will also be evaluated.)
7. Appropriateness of budget and period of support.
8. Human Subjects. Procedures adequate for the protection of human subjects must be documented. Recommendations on the adequacy of protections include: (1) Protections appear adequate and there are no comments to make or concerns to raise, (2) protections appear adequate, but there are comments regarding the protocol, (3) protections appear inadequate and the Initial Review Group has concerns related to human subjects, or (4) disapproval of the application is recommended because the research risks are sufficiently serious and protection against the risks are inadequate as to make the entire application unacceptable.

Review criteria for programmatic importance are as follows:

1. Magnitude of the problem in terms of numbers of workers affected.
2. Severity of the injury or disease in the population.
3. Usefulness to applied technical knowledge in the identification, evaluation, or control of occupational safety and health hazards on a national or regional basis.
4. Propensity to improve understanding of the pathophysiology (includes biomechanics), diagnosis, treatment, and prevention of occupational irritant dermatitis, work-related musculoskeletal disorders and asthma or COPD caused by occupational exposures.

The following will be considered in making funding decisions:

1. Merit of the proposed project as determined by the initial peer review.
2. Programmatic importance of the project as determined by secondary review.
3. Availability of funds.
4. Program balance among priority areas of this announcement.

Executive Order 12372 Review

Applications are not subject to the review requirements of Executive Order 12372.

Public Health System Reporting Requirement

This program is not subject to the Public Health System Reporting Requirements.

Catalog of Federal Domestic Assistance Number

The Catalog of Federal Domestic Assistance numbers are:

93.262 for the National Institute for Occupational Safety and Health (NIOSH) in CDC
93.846 for the National Institute of Arthritis and Musculoskeletal and Skin Diseases (NIAMS) in NIH
93.113 and 93.115 for the National Institute of Environmental Health Sciences (NIEHS) in NIH
93.837, 93.838, and 93.839 for the National Heart, Lung, and Blood Institute (NHLBI) in NIH
93.866 for the National Institute on Aging (NIA) in NIH

Other Requirements

Human Subjects

If the proposed project involves research on human subjects, the applicant must comply with the Department of Health and Human Services Regulations, 45 CFR Part 46, regarding the protection of human subjects. Assurances must be provided to demonstrate that the project will be subject to initial and continuing review by an appropriate institutional review committee. The applicant will be responsible for providing assurance in accordance with the appropriate guidelines and form provided in the application kit.

Women and Racial and Ethnic Minorities

It is the policy of the CDC and the NIH to ensure that women and racial and ethnic groups will be included in CDC- or NIH-supported research projects involving human subjects, whenever feasible and appropriate. Racial and ethnic groups are those defined in OMB Directive No. 15 and include American Indian or Alaska Native, Asian, Black or African American, Native Hawaiian or Other Pacific Islander, and Hispanic or Latino. Applicants shall ensure that women and racial and ethnic minority populations are appropriately represented in applications for research involving human subjects. Where clear and compelling rationale exist that inclusion is not feasible, this situation must be explained as part of the application. In conducting the review of applications for scientific merit, review groups will evaluate proposed plans for inclusion of minorities and both sexes as part of the scientific assessment and assigned score. This policy does not apply to research studies when the investigator cannot control the race, ethnicity and/or sex of subjects.

Further guidance to this policy is contained in the **Federal Register**, Vol. 60, No. 179, Friday, September 15, 1995, pages 47947–47951 and/or in the ''NIH Guidelines for Inclusion of Women and Minorities as Subjects in Clinical Research'' **Federal Resister** of March 28, 1994 [FR 59, 14508–14513], and reprinted in the NIH Guide for Grants and Contracts, Vol. 23, No. 11, March 18, 1994.

Application Submission and Deadlines

A. Preapplication Letter of Intent

Although not a prerequisite of application, a non-binding letter of intent-to-apply is requested from potential applicants. The letter should be submitted to the Grants Management Officer (whose address is reflected in section B, ''Applications''). It should be postmarked no later than May 1, 1998. The letter should identify the announcement number, name of principal investigator, and specify the priority area to be addressed by the proposed project. The letter of intent does not influence review or funding decisions, but it will enable CDC and NIH to plan the review more efficiently, and will ensure that each applicant receives timely and relevant information prior to application submission.

B. Applications

Applicants should use Form PHS–398 (OMB Number 0925–0001) and adhere to the ERRATA Instruction Sheet for Form PHS–398 contained in the Grant Application Kit. Please submit an original and five copies on or before June 23, 1998 to: Ron Van Duyne, Grants Management Officer, ATTN: Joanne Wojcik, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry

Road, NE., Room 300, MS E–13, Atlanta, GA 30305.

C. Deadlines

1. Applications shall be considered as meeting a deadline if they are either:

a. Received at the above address on or before the deadline date, or

b. Sent on or before the deadline date to the above address, and received in time for the review process.

Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or the U.S. Postal Service. Private metered postmarks shall not be accepted as proof of timely mailings.

2. Applications which do not meet the criteria above are considered late applications and will be returned to the applicant.

Where To Obtain Additional Information

To receive additional written information call 1–888–GRANTS4. You will be asked your name and address and will need to refer to Announcement 98044. You will receive a complete program description, information on application procedures, and application forms. Also, this and other CDC Announcements can be found on the CDC homepage (http://www.cdc.gov) under the ''Funding'' section, as well as on the NIOSH homepage (http://www.cdc.gov/niosh/homepage.html) under ''Extramural Programs.'' For your convenience, you may be able to retrieve a copy of the PHS Form 398 from (http://www.nih.gov/grants/funding/phs398/phs398.html).

If you have questions after reviewing the contents of all the documents, business management information may be obtained from Joanne Wojcik, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 255 East Paces Ferry Road, NE., MS E–13, Atlanta, GA 30305, telephone (404) 842–6535; fax (404) 842–6513; internet jcw6@cdc.gov.

Programmatic technical assistance may be obtained from:

Roy M. Fleming, Sc.D., Research Grants Program, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., Building 1, Room 3053, MS–D30, Atlanta, GA 30333, telephone 404–639–3343; fax 404–639–4616, internet rmf2@cdc.gov

Sidney M. Stahl, Ph.D., Behavioral and Social Research Program, National Institute on Aging, National Institutes of Health (NIH), Gateway Building #533, 7201 Wisconsin Avenue, Bethesda, MD 20892, telephone 301–402–4156, fax 301–402–0051, internet ss333h@nih.gov

Alan Moshell, M.D., Skin Diseases Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health (NIH), Natcher Building, Room 5AS–25L, Bethesda, MD 20892–6500, telephone 301–594–5017, fax 301–480–4543, internet am40j@nih.gov

James S. Panagis, M.D., M.P.H., Musculoskeletal Diseases Branch, National Institute of Arthritis and Musculoskeletal and Skin Diseases, National Institutes of Health (NIH), 45 Center Drive, Room 5AS–37K, MSC 4500, Bethesda, MD 20892–6500, telephone 301–594–5055, fax 301–480–4543, internet jp149d@nih.gov

George S. Malindzak, Ph.D., Division of Extramural Research and Training, National Institute of Environmental Health Sciences, National Institutes of Health (NIH), 79 T.W. Alexander Drive, MD EC–23, Research Triangle Park, NC 27709, telephone 919–541–3289, fax 919–541–5064, internet malindzak@niehs.nih.gov

Gail Weinmann, M.D., Division of Lung Diseases, National Heart, Lung, and Blood Institute, National Institutes of Health (NIH), Two Rockledge Center, Suite 10018, 6701 Rockledge Drive, MSC 7952, Bethesda, MD 20892, telephone 301–594–0202, fax 301–480–3557, internet weinmanng@gwgate.nhlbi.nih.gov

Please Refer to Announcement Number 98044 When Requesting Information and Submitting an Application.

CDC will not send application kits by facsimile or express mail.

Potential applicants may obtain a copy of ''Healthy People 2000'' (Full Report, Stock No. 017–001–00474–0) or ''Healthy People 2000'' (Summary Report, Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325, telephone (202) 512–1800.

Potential applicants may obtain a copy of the ''National Occupational Research Agenda'' (HHS, CDC, NIOSH Publication No.96–115) from the National Institute for Occupational Safety and Health, telephone (800) 356–4674. It is also available on the internet at ''http://www.cdc.gov/niosh/nora.html''.

Linda Rosenstock,

Director, National Institute for Occupational Safety and Health, Centers for Disease Control and Prevention (CDC).

Anthony L. Itteilag,

Deputy Director for Management, National Institutes of Health.

[FR Doc. 98–6869 Filed 3–16–98; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Deafness and Other Communication Disorders (NIDCD); Opportunity for a Cooperative Research and Development Agreement (CRADA) for the Development of a Vaccine Against Moraxella Catarrhalis Mediated Otitis Media

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: Moraxella catarrhalis is the third most common pathogen for otitis media, the most common cause of illness requiring medical treatment in children. The NIDCD is investigating candidate vaccines based on detoxified lipooligosaccharide-protein conjugates prepared from surface antigens of Moraxella catarrhalis.

The NIDCD, NIH, is seeking capability statements from parties interested in entering into a CRADA for the development of a candidate vaccine with the goal of conducting a Phase I clinical trial to determine the safety for most promising candidates. This project is with the Section on Experimental Immunology, Laboratory of Immunology, National Institute on Deafness and Other Communication Disorders, NIH. The goals are to use the respective strengths of both parties to achieve one or more of the following: (1) Establish an animal model to test experimental vaccines to provide protection against Moraxella catarrhalis mediated otitis media; (2) screen experimental vaccines for their relative efficacy; (3) determine the efficacy of the most promising vaccines; (4) prepare a sufficient quantity of vaccine to gain IND approval from the FDA and to conduct a Phase I clinical trial. Additional investigations may be undertaken when the efficacy of the candidate vaccines has been determined in an animal model and safety in humans has been assured.

It is anticipated that the commercial collaborator(s) will participate in

ongoing studies involving the determination of the efficacy and identification of most promising vaccines, preparing the vaccine for a clinical trial, and assisting in the conduct of such a trial. The collaborator may also be expected to contribute financial support under this CRADA for personnel, supplies, travel and equipment to support these projects.

CRADA capability statements should be submitted to Ms. Lili Portilla, Technology Transfer Manager, National Heart, Lung, and Blood Institute (NHLBI), Technology Transfer Service Center, 31 Center Drive MSC 2490, Building 31/Room 1B30, Bethesda, MD 20892–2490, Phone: (301) 402–5579, Fax: (301) 594–3080, E-mail address <LILIP@gwgate.nhlbi.nih.gov>. Capability statements must be received by the NHLBI on or before May 1, 1998.

The NIDCD has applied for patents claiming the core of the technology. Non-exclusive and/or exclusive licenses for these patents covering core aspects of this project are available to interested parties.

Licensing inquiries regarding this technology should be referred to Ms. Elaine Gese, M.B.A., Licensing Specialist, NIH Office of Technology Transfer, Suite 325, 6011 Executive Blvd., Suite 325, Rockville, MD 20852, Phone: (301) 496–7735, Ext. 282, Fax: (301) 402–0220, E-mail address<gesee@od6100ml.od.nih.gov>

Dated: March 5, 1998.

Sheila E. Merritt,

Executive Officer, NHLBI.

[FR Doc. 98–6788 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

A Novel Adipose Seven Transmembrane Domain Protein

C Montrose-Rafizad, H Yang (NIA)

OTT Reference No. E–213–97/0 filed 19 Jun 97

Licensing Contact: Stephen Finley, 301/496–7056, ext. 215

A new seven transmembrane protein and cDNA clone has been isolated from mouse adipose tissues. The new clone is differentially expressed in several mouse and human tissues, but is overexpressed in the epididymal tissues of diabetic mice and in the epididymal tissues of older mice. It is thought this new clone may have important implications in aging and diabetes and may be helpful for studying aging and diabetes.

Human Papilloma Virus Inhibition by Anti-Sense Oligonucleotides

JA DiPaolo, L Alvarez-Salas (NCI)

Serial No. 08/929,140 filed 05 Sep 97

Licensing Contact: Carol Salata, 301/496–7735, ext. 232

The present invention relates to the use of antisense oligonucleotides to inhibit a Human Papilloma virus (HPV). The invention derives from the observation that an inhibited ribozyme, which bound to a specific sequence of the HPV16 E6 gene, but whose cutting ability had been destroyed, still inhibited HPV16. This leads to the conclusion that antisense molecules which bind to the same section of the E6 gene would be useful in the treatment of HPV infection. The antisense molecules have the advantage of being less expensive to manufacture than ribozymes. The antisense oligonucleotides have phosphorothioate backbone structure and sequences complimentary to portions of human papilloma virus 16.

Dated: March 7, 1998.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 98–6891 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, HHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Elaine Gese, M.B.A., Technology Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 282; fax: 301/402–0220; e-mail: eg46t@nih.gov. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications. Information on additional chemokine receptor technologies is also available.

STRL33, A Human Fusion Accessory Factor Associated With HIV Infection

J Farber, F Liao, G Alkhatib, EA Berger (NIAID)

DHHS Reference No. E–087–97/0 filed 31 Mar 97

STRL33 is a seven transmembrane domain G protein coupled receptor which appears to be a novel chemokine receptor-like protein functioning as a fusion cofactor for both macrophage-tropic and T cell-trophic HIV–1. Cells expressing STRL33 along with CD4 are capable of fusing with cells expressing the envelope glycoprotein (env) of M-tropic and T-trophic HIV–1 variants, thereby mediating fusion with a wider range of variants than other cofactors identified to date. As the STRL33 protein appears to be directly related to the development of HIV infection and progression to AIDS, agents which are capable of blocking the STRL33 receptor may represent valuable tools for use in the prevention or treatment of HIV–1/AIDS. Polynucleotides and polypeptides are provided by the invention.

Therapeutic approaches and pharmaceutical compositions are claimed, as are research uses, and are available for licensing.

Delayed Progression to AIDS by a Missense Allele of the CCR2 Gene

M Dean, SJ O'Brien, M Carrington, MW Smith (NCI)

DHHS Reference No. E–209–97/0 filed 14 Aug 97

A specific variant of chemokine receptor CCR2, which appears to be a co-receptor for HIV–1, has been identified. This variant, CCR2–64I, is associated with delayed progression to AIDS in individuals infected with HIV–1, and is the result of a conservative amino acid substitution within the first transmembrane receptor region of CCR2. CCR2–64I is independent of but additive with CCR5–d32, an allele of chemokine receptor CCR5 which is also associated with delayed progression to AIDS. Together, these two polymorphisms are present in nearly 40% of individuals in all ethnic groups; CCR2–64I alone occurs at an allele frequency of 10–29% in all ethnic groups. Polynucleotides and polypeptides are provided by the invention. Therapeutic approaches and pharmaceutical compositions are claimed, as are research uses, diagnostic uses, and screening methods.

CC Chemokine Receptor 8 DNA, New Animal Models And Therapeutic Agents For HIV Infection

HL Tiffany, PM Murphy, G Alkhatib, EA Berger (NIAID)

DHHS Reference No. E–220–97/0 filed 29 July 97

CCR8, a known chemokine receptor, has now been shown to serve as a co-receptor for HIV–1. This receptor, a seven transmembrane region G protein coupled receptor, binds chemokine I–309, which is a potent monocyte attractant and is capable of inhibiting apoptosis in thymic cell lines. CCR8 is expressed in both monocytes and thymus, and is encoded by a gene of previously unknown function. Polynucleotides and polypeptides are provided by the invention. Therapeutic approaches and pharmaceutical compositions are claimed, as are research uses.

Functional Promoter For CCR5

F Guignard (NIAID)

DHHS Reference No. E–222–97/0

Embodied in this invention is the identification of the functional promoter sequence for CCR5. CCR5 is a known chemokine receptor which functions as a cofactor for HIV binding and is found on the cell surface of macrophages and CD4+ T cells. Blocking or suppressing the expression of CCR5 may therefore serve to inhibit HIV infection. It is postulated that this could be accomplished by inhibiting the CCR5 promoter or by administering an oligonucleotide analog of the promoter, thereby treating or preventing HIV infection. Polynucleotide sequences are provided by the invention. Therapeutic approaches and pharmaceutical compositions are claimed, as are research uses.

CCR1 Knockout Mouse

J–L Gao, PM Murphy (NIAID)

DHHS Reference No. E–234–97/0

Embodied in this invention is a CC chemokine receptor 1 (CCR1) knockout mouse, which has been made deficient (−/−) by targeted gene disruption. CCR1 normally binds chemokines MIP–1a and RANTES. The inventors have already used these knockout mice to identify a number of biological functions for CCR1, which are described in Gao et al., The Journal of Experimental Medicine 185(11): 1959–1968, June 1997. The mice are available for licensing via a Biological Materials License, and numerous research uses are anticipated.

Dated: March 9, 1998.

Barbara M. McGarey,

Deputy Director, Office of Technology Transfer.

[FR Doc. 98–6892 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Center for Research Resources Special Emphasis Panel (SEP) meeting:

Name of SEP: Biomedical Research Technology (Telephone Conference Call).

Date: April 1, 1998.

Time: 10:00 a.m.

Place: National Institutes of Health, 6507 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965.

Contact Person: Dr. Raymond R. O'Neill, Scientific Review Administrator, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0820.

Purpose/Agenda: To evaluate and review grant applications.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research Technology, National Institutes of Health, HHS)

Dated: March 5, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6790 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Research Resources; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Center for Research Resources Special Emphasis Panel (SEP) meetings:

Name of SEP: Biomedical Research Technology.

Date: March 23–25, 1998.

Time: March 23, 6:00 p.m.–10:00 p.m.; March 24, 8:00 a.m.–6:30 p.m; March 25, 8:00 a.m.–2:00 p.m.

Place: Doubletree Hotel, 1750 Rockville Pike, Rockville, MD 20852, (301) 468–1100.

Contact Person: Dr. Bela J. Gulyas, Scientific Review Administrator, 6705 Rockledge Drive, MSC 7965, Room 6018, Bethesda, MD 20892–7965, (301) 435–0811.

Purpose/Agenda: To evaluate and review grant applications.

This notice is being published less than 15 days prior to the above meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Program No. 93.371, Biomedical Research, National Institutes of Health, HHS)

Dated: March 5, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6791 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Allergy and Infectious Diseases Special Emphasis Panel (SEP) meeting:

Name of SEP: Mucosal Immunity in the Human Female Reproductive Tract.

Date: April 7, 1998.

Time: 1:30 p.m. to Adjournment.

Place: Teleconference Call, 6003 Executive Boulevard, Solar Bldg., Room 1A3, Bethesda, MD 20892, (301) 402–0748.

Contact Person: Dr. Priti Mehrotra, Scientific Review Adm. 6003 Executive Boulevard, Solar Bldg., Room 4C14, Bethesda, MD 20892, (301) 496–2550.

Purpose/Agenda: To evaluate a grant application.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance Programs Nos. 93.855, Immunology, Allergic and Immunologic Diseases Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health)

Dated: March 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6784 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting of the National Institute of Mental Health Special Emphasis Panel:

Agenda/Purpose: To review and evaluate grant applications.

Committee Name: National Institute of Mental Health Special Emphasis Panel.

Date: March 19, 1998.

Time: 1 p.m.

Place: Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857.

Contact Person: Sheri L. Schwartzback, Parklawn, Room 9C–26, 5600 Fishers Lane, Rockville, MD 20857, Telephone: 301, 446–6470.

The meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

This notice is being published less than fifteen days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

(Catalog of Federal Domestic Assistance Program Numbers 93.242, 93.281, 93.282)

Dated: March 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6785 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting:

Purpose/Agenda: To review and evaluate grant applications.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date of Meeting: March 27, 1998.

Time: 8:00 a.m.

Place of Meeting: Double Tree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Sean O'Rourke, 6000 Executive Boulevard, Suite 409, Rockville MD 20892–7003, 301–443–2861.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the review and funding cycle.

This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

(Catalog of Federal Domestic Assistance, Programs Nos. 93.271, Alcohol Research Career Development Awards for Scientist and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; and 93.891, Alcohol Research Center Grants; National Institutes of Health)

Dated: March 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6786 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Amended Notice of Closed Meeting

Notice is hereby given of a change in the meeting of the National Institute on Aging Special Emphasis Panel, National Institute on Aging, March 11, 1998, The Drake Hotel, Oak Brook, Illinois which was published in the **Federal Register** on March 4, 1998, (Vol. 63 FR10646).

This committee was to have met at the Drake Hotel, Oakbrook, Illinois on March 11, but the hotel has been changed to the Wyndham Garden Hotel, Oakbrook Terrace, Illinois. The time remains the same.

As previously announced, this meeting is closed to the public.

Dated: March 10, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6787 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following National Institute of Diabetes and Digestive and Kidney Diseases Special Emphasis Panel meeting:

Name of SEP: ZDK1 GRB–6 C1B.

Date: April 16, 1998.

Time: 2:00 p.m.
Place: Room 6AS–37A, Natcher Building, NIH (Telephone Conference Call).
Contact: Neal Musto, Ph.D., Scientific Review Administrator, Review Branch, DEA, NIDDK, Natcher Building, Room 6AS–37A, National Institutes of Health, Bethesda, Maryland 20892–6600, Phone: (301) 594–7798.
Purpose/Agenda: To review and evaluate grant applications.
This meeting will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with the applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
(Catalog of Federal Domestic Assistance Program No. 93.847–849, Diabetes, Endocrine and Metabolic Diseases; Digestive Diseases and Nutrition; and Kidney Diseases, Urology and Hematology Research, National Institutes of Health)
Dated: March 6, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6792 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to Section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Center for Scientific Review Special Emphasis Panel (SEP) meetings:

Purpose/Agenda: To review individual grant applications.
Name of SEP: Biological and Physiological Sciences.
Date: March 16, 1998.
Time: 11:00 a.m.
Place: NIH, Rockledge 2, Room 6152, Telephone Conference.
Contact Person: Dr. Camilla Day, Scientific Review Administrator, 6701 Rockledge Drive, Room 6152, Bethesda, Maryland 20892, (301) 435–1037.

Name of SEP: Biological and Physiological Sciences.
Date: March 16, 1998.
Time: 3:00 p.m.
Place: NIH, Rockledge 2, Room 5210, Telephone Conference.
Contact Person: Dr. Michael Lang, Scientific Review Administrator, 6701 Rockledge Drive, Room 5210, Bethesda, Maryland 20892, (301) 435–1265.

Name of SEP: Biological and Physiological Sciences.
Date: March 24, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4132, Telephone Conference.
Contact Person: Dr. Syed Quadri, Scientific Review Administrator, 6701 Rockledge Drive, Room 4132, Bethesda, Maryland 20892, (301) 435–1211.
This notice is being published less than 15 days prior to the above meetings due to the urgent need to meet timing limitations imposed by the grant review and funding cycle.

Name of SEP: Biological and Physiological Sciences.
Date: March 27, 1998.
Time: 8:30 a.m.
Place: Holiday Inn—Georgetown, Washington, DC.
Contact Person: Dr. Raymond Bahor, Scientific Review Administrator, 6701 Rockledge Drive, Room 3048, Bethesda, Maryland 20892, (301) 435–1256.

Name of SEP: Behavioral and Neurosciences.
Date: March 27, 1998.
Time: 8:30 a.m.
Place: Holiday Inn, Bethesda, Maryland.
Contact Person: Dr. Luigi Giacometti, Scientific Review Administrator, 6701 Rockledge Drive, Room 5170, Bethesda, Maryland 20892, (301) 435–1246.

Name of SEP: Behavioral and Neurosciences.
Date: March 27, 1998.
Time: 9:00 a.m.
Place: Holiday Inn, Chevy Chase, MD.
Contact Person: Dr. Samuel Rawlings, Scientific Review Administrator, 6701 Rockledge Drive, Room 5160, Bethesda, Maryland 20892, (301) 435–1243.

Name of SEP: Clinical Sciences.
Date: March 30, 1998.
Time: 8:30 a.m.
Place: NIH, Rockledge 2, Room 4116, Telephone Conference.
Contact Person: Dr. Terrell Hoffeld, Scientific Review Administrator, 6701 Rockledge Drive, Room 4116, Bethesda, Maryland 20892, (301) 435–1781.

Name of SEP: Clinical Sciences.
Date: April 2, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4128, Telephone Conference.
Contact Person: Dr. Anshumali Chaudhari, Scientific Review Administrator, 6701 Rockledge Drive, Room 4128, Bethesda, Maryland 20892, (301) 435–1210.

Name of SEP: Microbiological and Immunological Sciences.
Date: April 9, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Microbiological and Immunological Sciences.
Date: April 14, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.

Name of SEP: Microbiological and Immunological Sciences.
Date: April 15, 1998.
Time: 1:00 p.m.
Place: NIH, Rockledge 2, Room 4178, Telephone Conference.
Contact Person: Dr. Jean Hickman, Scientific Review Administrator, 6701 Rockledge Drive, Room 4178, Bethesda, Maryland 20892, (301) 435–1146.
The meetings will be closed in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5, U.S.C. Applications and/or proposals and the discussions could reveal confidential trade secrets or commercial property such as patentable material and personal information concerning individuals associated with applications and/or proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.
(Catalog of Federal Domestic Assistance Program Nos. 93.306, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)
Dated: March 5, 1998.

LaVerne Y. Stringfield,

Committee Management Officer, NIH.

[FR Doc. 98–6789 Filed 3–16–98; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Endangered Species Permit

The following applicants have applied for permits to conduct certain activities with endangered species. This notice is provided pursuant to Section 10(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*):

PRT–840113

Applicant: N. Ross Carrie, Raven Ecological Services, Huntsville, Texas.

The applicant requests authorization to take (capture, band, translocate, and harass during surveys and installation of cavity restrictors) the red-cockaded woodpecker, *Picoides borealis*, throughout the species range in Texas, Louisiana, Arkansas, Mississippi, Alabama, Tennessee, North Carolina, South Carolina, Georgia and Florida, for the purpose of enhancement of survival of the species.

Written data or comments on these applications should be submitted to: Regional Permit Biologist, U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia

30345. All data and comments must be received by April 16, 1998.

Documents and other information submitted with this application are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, 1875 Century Boulevard, Suite 200, Atlanta, Georgia 30345 (Attn: David Dell, Permit Biologist). Telephone: 404/679–7313; Fax: 404/679–7081.

Dated: March 6, 1998.

Sam D. Hamilton,

Regional Director.

[FR Doc. 98–6802 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of Application for Approval

The following applicant has applied for approval to conduct certain activities with birds that are protected in accordance with the Wild Bird Conservation Act of 1992. This notice is provided pursuant to Section 112(4) of the Wild Bird Conservation Act of 1992, 50 CFR 15.26(c).

Applicant: Ronald Tokar, for the Washington Falconer's Association, Walla Walla, WA. The applicant wishes to amend the Washington Falconer's Association approved cooperative breeding program to include two subspecies of the Aplomado falcon: *Falco femoralis femoralis;* and *Falco femoralis pichinchae.* The Washington Falconer's Association maintains responsibility for the oversight of the program.

Written data or comments should be submitted to the Director, U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203 and must be received by the Director within 30 days of the date of this publication.

Documents and other information submitted with these applications are available for review, subject to the requirements of the Privacy Act and Freedom of Information Act, by any party who submits a written request for a copy of such documents to the following office within 30 days of the date of publication of this notice: U.S. Fish and Wildlife Service, Office of Management Authority, 4401 North Fairfax Drive, Room 700, Arlington, Virginia 22203. Phone: (703/358–2095); FAX: (703/358–2298).

Dated: March 11, 1998.

Margaret Tieger,

Chief, Branch of Permits, Office of Management Authority.

[FR Doc. 98–6803 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Habitat Conservation Plan and Receipt of an Application for an Incidental Take Permit for the Newhall Land and Farming Project on the Santa Clara River, California

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: Newhall Land and Farming Company, Incorporated (Newhall), has applied to the Fish and Wildlife Service for a 50-year incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. Newhall's project involves water diversions and low water crossings on the Santa Clara River between Castaic Creek in Los Angeles County and Rancho Camulos in Ventura County, California. The Service proposes to issue an incidental take permit and provide assurances for the endangered unarmored threespine stickleback (*Gasterosteus aculeatus williamsoni*), the threatened California red-legged frog (*Rana aurora draytonii*), and should they be listed, for the Santa Ana sucker (*Catostomus santaanae*), a candidate for listing under the Endangered Species Act, and the following unlisted species of concern: arroyo chub (*Gila orcutti*), southwestern pond turtle (*Clemmys marmorata pallida*), and two-striped garter snake (*Thamnophis hammondii*). This notice opens the comment period on the permit application package, which includes the Habitat Conservation Plan for the Newhall Land and Farming Company's Crossings of the Santa Clara River (Newhall Plan).

The Service has determined that the Newhall Plan qualifies as a low effect plan as defined by the Service's Habitat Conservation Planning handbook (November 1996). The Service has further determined that approval of the Newhall Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This determination is explained in an Environmental Action Statement, available for public review.

Comments are requested on the Newhall Plan and the Service's Environmental Action Statement. In particular, the Service requests comments on the appropriateness of the ''No Surprises'' assurance discussed under the ''Unforeseen Events'' section of the Plan. All comments received, including names and addresses, will become part of the administrative record and may be made available to the public.

DATES: Written comments should be received on or before April 16, 1998.

ADDRESSES: Comments should be addressed to Diane K. Noda, Field Supervisor, Ventura Fish and Wildlife Office, 2493 Portola Road, Suite B, Ventura, California 93003. Written comments may also be sent by facsimile to (805) 644–3958.

FOR FURTHER INFORMATION CONTACT: Kirk Waln, Fish and Wildlife Biologist, at the above address (805–644–1766).

SUPPLEMENTARY INFORMATION:

Availability of Documents

Individuals wishing copies of the documents should immediately contact the Service's Ventura Fish and Wildlife Office at the above referenced address, or by telephone at (805) 644–1766. Documents will also be available for public inspection, by appointment, during normal business hours at the above address.

Background Information

Newhall proposes to continue installation of six summertime crossings of the Santa Clara River and four temporary diversions of river water to supply irrigation needs. The crossings and diversions are an integral part of Newhall's agricultural operations; the crossings provide access to fields south of the river that are largely inaccessible by other means, and the diversions supply water for irrigation of row crops. Each year, in the spring, the crossings and diversions are installed in the same locations in the reach of the Santa Clara River from approximately Castaic Creek in Los Angeles County to Rancho Camulos in Ventura County. In the fall, the crossings and diversions are removed prior to flood events. The proposed action would result in the temporary disturbance of 14 acres of bank and river channel. The banks in the footprint of the crossings proper are devoid of vegetation due to many years of road installation and use. At the crossings and diversions, the active river channel is also largely devoid of vegetation because, in many years, the

active river channel is cleared of vegetation by scouring that occurs during flood events. In years with minimal rainfall, emergent vegetation that develops upstream of the crossings following their installation may persist until the next flood event.

The affected reach of the river supports populations of the endangered unarmored threespine stickleback and the following unlisted species of concern: the Santa Ana sucker, arroyo chub, southwestern pond turtle, and two-striped garter snake. Although not observed in recent years, the threatened California red-legged frog may occur in the affected reach.

Pursuant to section 9 of the Endangered Species Act, listed species are protected against take; that is, no one may harass, harm, pursue, hunt, shoot, wound, kill, trap, capture or collect the species, or attempt to engage in such conduct (16 USC 1538). The Service, however, may issue permits to take listed animal species if such taking is incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered and threatened species are promulgated at 50 CFR 17.22 and 17.32.

The Service proposes to issue an incidental take permit to the applicant for the take of unarmored threespine sticklebacks and California red-legged frogs. The proposed permit would be effective upon issuance for species currently listed under the Endangered Species Act. Should the unlisted species covered by the Plan be federally listed as threatened or endangered during the term of the permit, take authorization for them would become effective concurrent with their listing under the Endangered Species Act. In addition, the applicant seeks Federal assurances that no additional land restrictions or financial compensation would be required for species adequately covered by the Newhall Plan. To receive assurances, all species covered by the Plan must be treated as if they are listed and the Plan, with its avoidance, minimization and management measures, must be implemented.

The proposed Federal action would authorize the incidental take, through harassment, of all unarmored threespine sticklebacks and California red-legged frogs within the individual crossing and diversion sites. Similarly, all Santa Ana suckers, arroyo chubs, southwestern pond turtles, and two-striped garter snakes would be harassed during their removal from harm's way prior to installation and removal of the river crossings and diversions. The Service anticipates that limited numbers of individuals of listed species and species of concern would be killed or injured during installation or removal of the crossings and diversions. Such incidental take, in the form of injury or mortality, would be authorized through the incidental take permit.

To minimize the effects of the proposed project, the proponent would implement a take avoidance plan during installation and removal of the crossings and diversions. The take avoidance plan includes: preconstruction surveys of the various sites by qualified biologists prior to installation activities; installation of blocking nets to isolate the work area; visual searches and seining of the work area; and removal from harm's way of individual fish and wildlife that are encountered.

The Service has determined that the Newhall Plan qualifies as a ''low-effect'' Plan as defined by the Fish and Wildlife Service's Habitat Conservation Planning Handbook (November 1996). Low-effect Plans are those involving (1) minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Newhall Plan qualifies as a low-effect Plan for the following reasons:

1. The effects of the plan are minor or negligible on federally listed, proposed, or candidate species and their habitats. The effects of Newhall's actions on the Santa Clara River are minor in comparison to natural river processes (e.g., low flows and high flows). The installation, presence, and removal of the river crossings appear not to negatively affect the federally listed, candidate, and species of concern that inhabit the affected reaches. By slowing the flow of water, the crossings create habitat conditions favorable to many species native to the project area.

2. The effects of the project are minor or negligible on other environmental resources. Relative to vehicle traffic on Highway 126, which lies along the northern margin of the river's floodplain, the contribution of Newhall's farming activities to air pollution is negligible. The limited pulses of elevated turbidity that occur through installation and removal of Newhall's river crossings do not greatly affect water quality and soil. Within the footprint of the river crossings, there are no known cultural resources; considering the natural disturbance which occurs during flood flows and the historic use of the crossing areas, the presence of cultural resources is extremely unlikely.

3. No significant cumulative effects are expected to occur as a result of project implementation. There currently are no other low-effect habitat conservation plans in preparation or foreseeable for the Santa Clara River. The effect of this action on natural resources is very limited and would contribute little to the cumulative effects of other projects if they did arise.

In addition, none of the exceptions to categorical exclusions (from 516 DM 2.3, Appendix 2) apply to the Newhall Plan. The Service therefore has determined that approval of the Newhall Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). Therefore, no further National Environmental Policy Act documentation will be prepared.

This notice is provided pursuant to section 10(c) of the Endangered Species Act. The Service will evaluate the permit application, the Newhall Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be issued. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: March 11, 1998.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–6806 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Receipt of an Application for an Incidental Take Permit for the Coastal California Gnatcatcher Associated With Residential Development on the Bennett Property, City of Chula Vista, CA

AGENCY: Fish and Wildlife Service.

ACTION: Notice of availability.

SUMMARY: Western Pacific Housing (applicant) has submitted an application with a Habitat Conservation Plan to the Fish and Wildlife Service for an incidental take permit pursuant to section 10(a)(1)(B) of the Endangered Species Act of 1973, as amended. The applicant proposes to develop residential housing on a 5-acre parcel in the City of Chula Vista, California. The proposed permit would authorize the incidental take of one pair of the threatened coastal California gnatcatcher (*Polioptila californica*

californica) known to occur on this parcel.

The Service has determined that the Bennett Habitat Conservation Plan (Bennett Plan) qualifies as a low effect plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). The Service has further determined that approval of the Bennett Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). This determination is explained in an Environmental Action Statement which is available for public review.

DATES: Written comments on the permit application, Bennett Plan, and Environmental Action Statement should be received on or before April 16, 1998.

ADDRESSES: Written comments should be addressed to the Field Supervisor, Carlsbad Fish and Wildlife Office, 2730 Loker Avenue West, Carlsbad, California 92008. Comments may be sent by facsimile to (760) 431–9624.

FOR FURTHER INFORMATION CONTACT: Ms. Kim Marsden, Fish and Wildlife Biologist, at the above address or call (760) 431–9440.

SUPPLEMENTARY INFORMATION:

Availability of Documents

Persons may obtain a copy of the permit application, Bennett Plan, and Environmental Action Statement by calling the Service's Carlsbad Fish and Wildlife Office at the telephone number above. Documents also will be available for public inspection by appointment during normal business hours at that office (see **ADDRESSES**).

Background

Section 9 of the Endangered Species Act and its implementing regulations prohibit the ''taking'' of threatened or endangered species. However, under limited circumstances the Service may issue permits to take endangered and/or threatened species incidental to, and not the purpose of, otherwise lawful activities. Regulations governing permits for endangered and/or threatened species are promulgated at 50 CFR 17.22 and 17.32.

Under the proposed action, construction activities would directly impact one pair of gnatcatchers by removal of 4.2 acres of foraging habitat on a 5-acre parcel. The parcel is bounded on three sides by development and on the fourth by a road. The parcel has been previously graded and revegetated with a mixture of plants that are native to both coastal and desert areas of southern California and with horticultural ornamentals. The revegetated scrub is similar in stature to coastal sage scrub but is not considered to be coastal sage scrub. The applicant has submitted a habitat conservation plan that describes consideration of alternatives to the action and provisions for minimization and mitigation of impacts including off-site acquisition of 4.2 acres of coastal sage scrub within the preserve area of the City of Chula Vista's Multiple Species Conservation Program. The Bennett Plan also provides measures to avoid direct take of the California gnatcatchers if vegetation clearing would occur within the normal California gnatcatcher breeding season.

Two alternatives to the proposed project action were considered: the ''no project'' alternative and the ''partial-clearing'' alternative. Each of these alternatives was rejected because they would not meet the project purpose and were economically unfeasible.

The Service has determined that the Bennett Plan qualifies as a ''low-effect'' plan as defined by the Service's Habitat Conservation Planning Handbook (November 1996). Low-effect plans are those involving (1) minor or negligible effects on federally listed and candidate species and their habitats, and (2) minor or negligible effects on other environmental values or resources. The Bennett Plan qualifies as a low-effect plan for the following reasons:

1. The effects of the plan are minor or negligible on federally listed, proposed, or candidate species and their habitats. The harassment of one pair of California gnatcatchers by removal of 4.2 acres of their foraging habitat is considered a negligible effect because: (a) The project site has been previously graded and revegetated to an assemblage of plants that does not comprise a natural community; and (b) the removal of this vegetation will not appreciably reduce any food resource, or affect reproduction because there is foraging habitat within 50 meters of the project site in naturally-occurring suitable habitat. In addition, the project will not affect any proposed or candidate species or their habitats.

2. The effects of the project are minor or negligible on other environmental resources. The effects on air quality will not be significant because of the small size of the project site and the limited duration of construction. Impacts to geology and soils are negligible because the site has been previously graded. Impacts to water quality are not anticipated as a result of this project because it is small, surrounded by existing development, not located close to any body of water, and ground disturbing activities will be minimal. No known cultural sites exist on the site, therefore, no impacts to cultural resources are anticipated. No changes in land use or the socio-economic environment are expected to occur as a result of implementing the Bennett Plan because the project site is located in an existing housing subdivision surrounded by residential development and a paved road.

3. No significant cumulative effects are expected to occur as a result of project implementation. The site was previously graded and revegetated to an unnatural assemblage of plants. The loss of 4.2 acres of non-coastal sage scrub vegetation on previously graded land will not result in significant cumulative effects to the coastal California gnatcatcher.

In addition, none of the exceptions to categorical exclusions (from 516 DM 2.3, Appendix 2) apply to the Bennett Plan. The Service therefore has determined that approval of the Bennett Plan qualifies as a categorical exclusion under the National Environmental Policy Act, as provided by the Department of the Interior Manual (516 DM 2, Appendix 1 and 516 DM 6, Appendix 1). No further National Environmental Policy Act documentation will therefore be prepared.

This notice is provided pursuant to section 10(c) of the Endangered Species Act. The Service will evaluate the permit application, the Bennett Plan, and comments submitted thereon to determine whether the application meets the requirements of section 10(a) of the Endangered Species Act. If it is determined that the requirements are met, a permit will be issued. The final permit decision will be made no sooner than 30 days from the date of this notice.

Dated: March 11, 1998.

Thomas Dwyer,

Acting Regional Director, Region 1, Portland, Oregon.

[FR Doc. 98–6807 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Klamath Fishery Management Council Meeting

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of meeting.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (5

U.S.C. App. I), this notice announces a meeting of the Klamath Fishery Management Council, established under the authority of the Klamath River Basin Fishery Resources Restoration Act (16 U.S.C. 460ss *et seq.*). The Klamath Fishery Management Council makes recommendations to agencies that regulate harvest of anadromous fish in the Klamath River Basin. The objective of this meeting is to develop management options for the 1998 Klamath fall chinook salmon season, to be presented to the Pacific Fisheries Management Council. The meeting is open to the public.

DATES: The Klamath Fishery Management Council will meet from 2:00 p.m. to 6:00 p.m. on Sunday, April 5.

PLACE: The meeting will be held at the Doubletree Hotel Jantzen Beach, 909 N. Hayden Island Drive, Portland, Oregon.

FOR FURTHER INFORMATION CONTACT:

Dr. Ronald A. Iverson, Project Leader, U.S. Fish and Wildlife Service, P.O. Box 1006 (1215 South Main), Yreka, California 96097–1006, telephone (530) 842–5763.

SUPPLEMENTARY INFORMATION: For background information on the Klamath Council, please refer to the notice of their initial meeting that appeared in the **Federal Register** on July 8, 1987 (52 FR 25639).

Dated: March 10, 1998.

Don Weathers,

Acting Regional Director.

[FR Doc. 98–6812 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–55–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Gas Pipeline Right-of-Way Permit Application Crossing a Stevens County, Minnesota Waterfowl Production Area, for Review and Comment

AGENCY: Fish and Wildlife Servic, Interior.

ACTION: Notice.

SUMMARY: This Notice advises the public that Alliance Pipeline of Mankato, Minnesota has applied for the installation of a 36-inch diameter natural gas pipeline right-of-way across U.S. Fish and Wildlife Service, Tract 94, Stevens County, Minnesota Waterfowl Production Area.

DATES: Written comments should be received on or before April 16, 1998 to receive consideration by the Service.

ADDRESSES: Comments should be addressed to: Regional Director; U.S. Fish and Wildlife Service, Bishop Henry Whipple Federal Building; 1 Federal Drive; Fort Snelling, Minnesota 55111–4056; Attention: Ms. Karen Siegfried, Realty Specialist, Division of Realty.

FOR FURTHER INFORMATION CONTACT: Karen Siegfried, Realty Specialist, at the above Fort Snelling Regional Office address (612/713–5410).

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public that the Service will be proceeding with the processing of this application, the compatibility determination and the approval processing which includes the preparation of the terms and conditions of the permit. The proposed natural gas pipeline crossing the Stevens County, Minnesota waterfowl production area is part of a larger project to deliver western Canadian natural gas to several existing pipelines in the Joliet, Illinois region. The route of the pipeline covers 50 feet in width of parcel 5 of the record plat, ''Stevens County Wildlife Area No. 19'' in the S½SW¼SW¼ of Section 17, Township 125 North, Range 43 West, Fifth Principal Meridian. See attached maps for location of proposed pipeline.

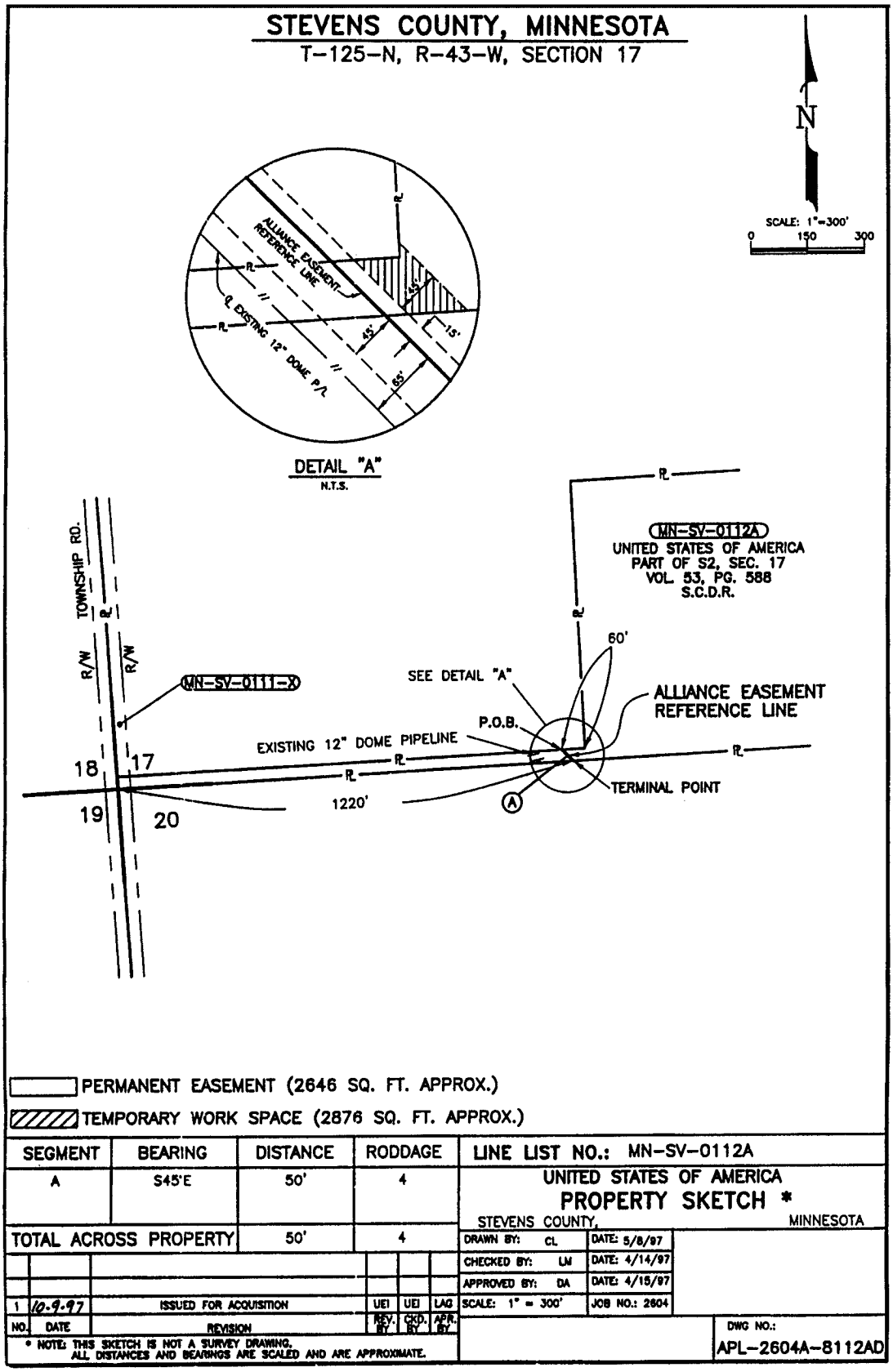
Right-of-way applications for pipelines are to be filed in accordance with Section 28 of the Mineral Leasing Act of 1920 (30 U.S.C.), as amended by the Act of November 16, 1973 (37 Stat. 576, Pub. L. 93–153).

Dated: January 23, 1998.

Marvin E. Moriarty,

Regional Director, Region 3, Ft. Snelling, MN.

BILLING CODE 4310–55–M



SEGMENT	BEARING	DISTANCE	RODDAGE
A	S45°E	50'	4
TOTAL ACROSS PROPERTY		50'	4

NO.	DATE	REVISION	REV. BY	CKD. BY	APR. BY
1	10-9-97	ISSUED FOR ACQUISITION	UEI	UEI	LAG

* NOTE: THIS SKETCH IS NOT A SURVEY DRAWING. ALL DISTANCES AND BEARINGS ARE SCALED AND ARE APPROXIMATE.

LINE LIST NO.: MN-SV-0112A

UNITED STATES OF AMERICA
PROPERTY SKETCH *
STEVENS COUNTY, MINNESOTA

DRAWN BY:	CL	DATE: 5/8/97	
CHECKED BY:	LM	DATE: 4/14/97	
APPROVED BY:	DA	DATE: 4/15/97	
SCALE: 1" = 300'		JOB NO.: 2604	

DWG NO.: APL-2604A-8112AD

[FR Doc. 98-5895 Filed 3-16-98; 8:45 am]

BILLING CODE 4310-55-C

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–060–1430–00]

Temporary Closure of Selected Public Lands and Roads in Pima County, AZ

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of temporary closure of selected public lands and roads.

SUMMARY: This notice is to inform the public of the Bureau of Land Management's (BLM) decision by the Tucson Field Office Manager of the Tucson Field Office of the temporary road closure of selected public lands under the Field Office's administration. The selected public land roads are located in: T. 17 S., R. 12 E., sections 3, 10, 11, 14 and 15. This action is being taken to provide for public safety and to prevent unnecessary environmental degradation to archaeological sites, soil resources, native vegetation and wildlife.

DATES: This closure is effective February 1, 1998.

ADDRESSES: 12661 E. Broadway Blvd., Tucson, AZ 85748.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Tucson Field Office, 12661 E. Broadway Blvd., Tucson, Arizona 85748, (520) 722–4289.

SUPPLEMENTARY INFORMATION: The construction of new unauthorized roads and road grading of existing roads has damaged archaeological sites, native vegetation and existing roads. Authority for this action is contained in 43 Code of Federal Regulations 8364–1. Violations are punishable as a Class A misdemeanor. This action is taken to protect life and property and allow for safe public land use. The following are supplemental rules for the area described above and apply to all persons using Public Lands. The special rules are in addition to existing rules and regulations previously established under 43 Code of Federal Regulations (CFR) as well as other Federal laws applicable to the use of Public Land.

Specific restrictions and closure are as follows:

1. All posted roads shall be closed to all vehicular use except for ''Indian Kitchen'' Road and ''Dog Town'' Road.

2. The Indian Kitchen Archaeological site shall be closed to all vehicular use.

3. All roads described above shall be open to BLM authorized and permitted activities on an event specific basis as authorized by the Tucson Field Office Manager or his designee.

4. Casual use of these lands such as hiking, and vehicular use on existing two track trails are permitted.

The above restrictions do not apply to emergency vehicles and vehicles owned by the United States, the State of Arizona, or Pima County. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined up to $100,000.00 and/or imprisoned for not more than 12 months as amended by 18 USC 3571 and 18 USC 3581. This closure shall stay enforced until a resolution of the unauthorized use is reached, terminated or modified by the Bureau of Land Management.

Dated: March 5, 1998.

Bill Childress,

Acting Field Manager.

[FR Doc. 98–6833 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CA–360–1220–00]

Closure and Restriction Orders

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Emergency closure of certain public lands to motorized vehicle use and target shooting in Shasta County, California.

SUMMARY: The BLM is prohibiting persons, for an indefinite period, from target shooting and operating motorized vehicles in certain areas around, and within, the Swasey Drive—Area of Critical Environmental Concern (ACEC). These closures will protect sensitive cultural resources on BLM lands and adjoining residential land until BLM has prepared a detailed ACEC Management Plan.

DATES: This emergency motorized vehicle closure will take effect March 17, 1998.

FOR FURTHER INFORMATION CONTACT: Charles M. Schultz, Field Manager, Bureau of Land Management, 355 Hemsted Drive, Redding, CA. 96002.

SUPPLEMENTARY INFORMATION: The BLM designated the Swasey Drive area as an ACEC in 1993 with approval of the Redding Resource Management Plan. Public lands located in T. 31 N., R. 6 W., sections 1 and 12, and T. 31 N., R. 5 W., sections 6 and 7 are plagued by illegal garbage dumping and contain sensitive cultural resources which are vulnerable to looting. The BLM land is surrounded by privately owned residential development and unrestricted target shooting is a safety concern; therefore, target shooting is restricted to one area located at the end of the main access road. To reduce cultural resources damage and garbage dumping, motor vehicles are restricted to a series of roadways that are depicted on a map available at the BLM office in Redding. Exceptions to the motor vehicle closure include: emergency vehicles, fire suppression and rescue vehicles, BLM operation and maintenance vehicles, law enforcement vehicles, and other motorized vehicles specifically approved by an authorized officer of the BLM.

The authority for this closure and rule making is 43 CFR 8364.1. Any person who fails to comply with a closure order or rule making is subject to arrest and fines of up to $100,000 and/or imprisonment not to exceed 12 months.

Charles M. Schultz,

Redding Area Manager.

[FR Doc. 98–6801 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–40–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–921–08–1320–01–P; MTM 87910]

Notice of Invitation—Coal Exploration License Application MTM 87910

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice of invitation—Coal Exploration License Application MTM 87910.

SUMMARY: Members of the public are hereby invited to participate with Spring Creek Coal Company in a program for the exploration of coal deposits owned by the United States of America in the lands described below located in Big Horn County, Montana:

T. 8 S., R. 39 E., P.M.M.
Sec. 13: SW¼NW¼, W½SW¼
Sec. 14: NE¼, NE¼NW¼, E½SE½
Sec. 15: N½NE¼, N½SE¼NE¼, NW¼, W½SW¼SE¼, SE¼SW¼SE¼
Sec. 22: NE¼, NE¼NW¼
Sec. 23: NE¼NE¼, E½NW¼NW¼, SW¼NW¼NE¼, S½N½NW¼, S½NW¼
Sec. 24: NW¼NW¼
1120.00 acres.

SUPPLEMENTARY INFORMATION: Any party electing to participate in this exploration program shall notify, in writing, both the State Director, Bureau of Land Management, P.O. Box 36800, Billings, Montana 59107–6800; and Spring Creek Coal Company, P.O. Box 67, Decker, Montana 59025. Such written notice must refer to serial

number MTM 87910 and be received no later than 30 calendar days after publication of this Notice in the **Federal Register** or 10 calendar days after the last publication of this Notice in the Big Horn County News, whichever is later. This Notice will be published once a week for 2 consecutive weeks in the Big Horn County News.

The proposed exploration program is fully described, and will be conducted pursuant to an exploration plan to be approved by the Bureau of Land Management. The exploration plan, as submitted by Spring Creek Coal Company, is available for public inspection at the Bureau of Land Management, Montana State Office, Granite Tower Building, 222 North 32nd Street, Billings, Montana, during regular business hours (9 a.m. to 4 p.m.) Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Robert Giovanini, Mining Engineer, or Bettie Schaff, Land Law Examiner, Branch of Solid Minerals (MT–921), Bureau of Land Management, Montana State Office, P.O. Box 36800, Billings, Montana 59107–6800, telephone (406) 255–2818 or (406) 255–2832, respectively (commercial or FTS).

Dated: March 9, 1998.

Edward L. Hughes,

Acting Chief, Branch of Solid Minerals.

[FR Doc. 98–6830 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Utah-Notice of Invitation To Participate in Coal Exploration Program; Canyon Fuel Company, LLC, West Ridge, Upper Huntington Canyon, UT

Canyon Fuel Company, LLC is inviting all qualified parties to participate in its proposed exploration of certain Federal coal deposits in the following described lands in Sanpete County, Utah:

T. 13 S., R. 6 E., SLM, UT
Sec. 21, lots 1–4, E2E2;
Sec. 28, lots 1–8, S2NW, SW;
Sec. 33, E2, NWNW, E2NW, SWSW.
T. 14 S., R. 6 E., SLM, UT
Sec. 4, all;
Sec. 5, all;
Sec. 6, all.
Containing 3,229.73 acres.

Any party electing to participate in this exploration program must send written notice of such election to the Bureau of Land Management, Utah State Office, P.O. Box 45155, Salt Lake City, Utah 84145–0155, and to Mark Bunnell, Mine Geologist, Canyon Fuel Company, LLC, Skyline Mine, P.O. Box 719, Helper, Utah 84526. Such written notice must be received within thirty days after publication of this notice in the **Federal Register.**

Any party wishing to participate in this exploration program must be qualified to hold a lease under the provisions of 43 CFR 3472.1 and must share all cost on a pro rata basis. An exploration plan submitted by Canyon Fuel Company, LLC, detailing the scope and timing of this exploration program, is available for public review during normal business hours in the public room of the BLM State Office, 324 South State Street, Salt Lake City, Utah, under serial number UTU–76864.

Dated: March 11, 1998.

Douglas M. Koza,

Deputy State Director, Natural Resources.

[FR Doc. 98–6805 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–DQ–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[CO–078–98–1430–00]

Resource Management Plan Amendment and Supplemental Environmental Impact Statement (EIS) on Oil and Gas Development

AGENCY: Bureau of Land Management.

ACTION: Notice of intent.

SUMMARY: Pursuant to section 202 of the Federal Land Policy and Management Act of 1976 and Bureau of Land Management (BLM) regulations in CFR 1610.5–5, BLM intends to amend the Resource Management Plan (RMP) for its Glenwood Springs Resource Area (GSRA). As described in a Notice of Intent published on April 21, 1997 (62 FR 19349), BLM is preparing a supplemental EIS on the impacts of oil and gas development in the GSRA. That EIS process has indicated that some changes in the leasing decisions are necessary and that an RMP amendment will be required. Further, as anticipated in that original Notice of Intent, the Department of Defense Authorization Act of 1998 (November 18, 1997) transferred management authority for Naval Oil Shale Reserves (NOSR) 1 and 3 from the Department of Energy to BLM. The Act directs BLM to lease certain lands in the NOSRs for oil and gas development by November 18, 1998. Those lands will be included in the supplemental EIS, and the RMP will be amended to reflect decisions made on leasing of the NOSR lands as well as leasing decisions on other BLM lands in the GSRA.

DATES: Comments will be accepted until April 16, 1998.

ADDRESSES: Comments should be sent to the Area Manager, Glenwood Springs Resource Area, Bureau of Land Management, P.O. Box 1009, Glenwood Springs, CO 81602, ATTN: Oil and Gas EIS.

FOR FURTHER INFORMATION CONTACT: Steve Moore, (970) 947–2824.

SUPPLEMENTARY INFORMATION: A Notice of Intent to prepare a supplemental EIS on oil and gas leasing and development in the GSRA was published on April 21, 1997 (62 FR 19349). That EIS process has indicated that some changes in the leasing decisions are necessary and that an RMP amendment will be required. Further, as anticipated in that original notice, the Department of Defense Authorization Act of 1998 (November 18, 1997) transferred management authority for the NOSRs from the Department of Energy to BLM. In addition to transferring management authority to BLM, the Act directs BLM to lease approximately 6,000 acres in the NOSRs for oil and gas development by November 18, 1998. Prior to the transfer, the Department of Energy had already begun development of this oil and gas production area. Oil and gas leases for the production area will be sold at auction next fall.

The general character of the NOSR lands that are to be offered for lease is similar to the surrounding BLM lands which are being evaluated in the supplemental EIS. Additionally, many of the issues concerning oil and gas development of those lands are the same as those being considered in the supplemental EIS. It has been decided, therefore, to include the NOSR lands in the supplemental EIS, and the RMP will be amended to reflect decisions made on leasing of the NOSR lands as well as other BLM lands in the GSRA.

Anticipating the change in management authority for the NOSRs, the GSRA has been collecting environmental and resource data on the production area and has already initiated preliminary evaluation of impacts.

Consideration of the wildlife, visual, soils, riparian, socioeconomic and other issues being evaluated in the supplemental EIS will now formally include the NOSR production area. A draft of the supplemental EIS is planned for late May, 1998.

Formal scoping for the supplemental EIS will be re-opened for the next 30 days. Comments concerning the potential impacts of oil and gas development in the NOSR production area as well as impacts of development

in the rest of the GSRA are welcome. Additional scoping measures will include a press release describing the addition of the NOSR production area to the EIS, an informational mailing to interested citizens and ongoing consultation with interested organizations.

Michael S. Mottice,

Area Manager.

[FR Doc. 98–6808 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–JB–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[WYW–142433]

Bighorn Basin Resource Area, WY; Discovery of Dinosaur Tracks

ACTION: Notice of intent to conduct a planning review and request for public participation concerning the discovery of dinosaur tracks in Big Horn County, Wyoming, Bighorn Basin resource area.

SUMMARY: The Bureau of Land Management (BLM) invites the public to identify management needs and issues associated with the recent discovery of dinosaur tracks on BLM-administered public lands in Big Horn County, Wyoming.

FOR FURTHER INFORMATION CONTACT: Mike Bies, Bighorn Basin Resource Area Archaeologist or Chuck Wilkie, Bighorn Basin Resource Area Manager; Bureau of Land Management, P. O. Box 119, Worland, Wyoming 82401–0119; (307) 347–5100.

SUPPLEMENTARY INFORMATION: A review of existing land-use planning decisions is being conducted to evaluate how to best manage public lands, resources, educational opportunities, and other values associated with the recent discovery of dinosaur tracks on BLM-administered public lands in the Bighorn Basin Resource Area near Shell, Wyoming. The tracks were not addressed in the Washakie Resource Management Plan (RMP) which was completed in 1988, and a review of BLM's planning decisions for the discovery area is needed to evaluate the adequacy of existing management prescriptions for the protection of the tracks and related values. The planning review will also consider management options for public education, interpretation, scientific research, and recreation in the area. Any needed changes in existing management or any new management actions to be prescribed for the area will be identified and, if necessary, the Washakie RMP will be amended.

The planning review will include opportunities for public participation. These opportunities will be announced through **Federal Register** notices, media releases, or mailings. The public will be invited to one or more meetings to discuss problems, conflicts, concerns, and planning issues in the review area along with potential management options. The National Environmental Policy Act (NEPA) environmental analysis process will be used for evaluating these options and for developing a management prescription for the discovery area.

If the planning review results in the need to amend the Washakie RMP, other notices, mailings, or media releases will announce a 30-day public comment/protest period on the proposed amendment.

Comments, including names and street addresses of respondents will be available for public review at the Worland District Office, 101 South 23rd Street, Worland, Wyoming, during regular business hours (7:30 a.m. to 4:30 p.m.) Monday through Friday, except holidays. Individual respondents may request confidentiality. If you wish to withhold your name or address from public review or from disclosure under the Freedom of Information Act, you must state this prominently at the beginning of your comments. Such requests will be honored to the extent allowed by law. All submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public inspection in their entirety.

Dated: March 10, 1998.

Alan R. Pierson,

State Director.

[FR Doc. 98–6945 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–22–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[OR–958–0777–63; GP7–0063; ORE–017791]

Public Land Order No. 7322; Modification and Partial Revocation of Public Land Order No. 4145; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Public Land Order.

SUMMARY: This order modifies a public land order to establish a 20-year term as to 20 acres of National Forest System land withdrawn for the Forest Service's West Eagle Meadow Campground in the Wallowa-Whitman National Forest. The land has been and remains closed to mining. This order also revokes the public land order insofar as it affects the remaining 49.82 acres, which will be opened to mining. All of the land has been and remains open to surface entry and mineral leasing.

EFFECTIVE DATE: April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Betty McCarthy, BLM Oregon/Washington State Office, P.O. Box 2965, Portland, Oregon 97208–2965, 503–952–6155.

By virtue of the authority vested in the Secretary of the Interior by Section 204 of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714 (1994), it is ordered as follows:

1. Public Land Order No. 4145 is hereby modified to expire 20 years from the effective date of this order, unless, as a result of a review conducted before the expiration date pursuant to Section 204(f) of the Federal Land Policy and Management Act of 1976, 43 U.S.C. 1714(f) (1994), the Secretary determines that the withdrawal shall be extended insofar as it affects the following described land:

Willamette Meridian

Wallowa-Whitman National Forest

West Eagle Meadow Campground

T. 5 S., R. 43 E., unsurveyed,
Sec. 32, S½SW¼SW¼.

The area described contains 20 acres in Union County.

The land described above continues to be withdrawn from location and entry under the mining laws, but has been and remains open to such forms of disposition as may by law be made of National Forest System land, including leasing under the mineral leasing laws to protect the Forest Service's West Eagle Meadow Campground.

2. Public Land Order No. 4145 is hereby revoked insofar as it affects the following described land:

Willamette Meridian

Wallowa-Whitman National Forest

West Eagle Meadow Campground

T. 5 S., R. 43 E., unsurveyed,
Sec. 32, N½SW¼SW¼ and S½NW¼SW¼.
T. 6 S., R. 43 E.,
Sec. 5, NE¼ of lot 4.

The area described contains approximately 49.82 acres in Union and Baker Counties.

3. At 8:30 a.m. on April 16, 1998, the land described in paragraph 2 will be opened to location and entry under the United States mining laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of

applicable law. Appropriation of any of the land described in paragraph 2 of this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1994), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 5, 1998.

Bob Armstrong,

Assistant Secretary of the Interior.

[FR Doc. 98–6844 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–33–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[AZ–060–1430–00]

Notice of Public Land Use Restriction: Discharge of Firearms Prohibited

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of public land use restriction: Discharge of firearms prohibited.

SUMMARY: This notice is to inform the public of the Bureau of Land Management's (BLM) decision by the Tucson Field Office Manager of the Tucson Field Office to prohibit the discharge of firearms on public land at Indian Kitchen archaeological site as posted, located in T. 17 S., R. 12., sec. 15, Pima County, Arizona, in order to protect persons, property and public land and resources. No person shall be exempt from this restriction except certified law enforcement personnel acting in the line of duty to enforce local, state or federal laws. This is a permanent restriction .

DATES: Effective February 1, 1998.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, Tucson Field Office, (520) 722–4289, 12661 E. Broadway Blvd., Tucson, AZ 85748.

SUPPLEMENTARY INFORMATION: Authority for this action is contained in 43 Code of Federal Regulations 8364–1. Violations are punishable as a Class A misdemeanor. This action is taken to protect life and property and allow for safe public land use. Discharge of firearms at Indian Kitchen has resulted in significant damage to this important archaeological site.

The following are supplemental rules for the area described above and apply to all persons using Public Lands. The special rules are in addition to existing rules and regulations previously established under 43 Code of Federal Regulations (CFR) as well as other Federal laws applicable to the use of Public Land.

Specific restrictions and closure are as follows:

1. The discharge of firearms is prohibited at the Indian Kitchen archaeological site.

2. The Indian Kitchen site shall be closed to all vehicular use.

3. The Indian Kitchen site shall be open for day use only.

4. Ground fires and overnight camping are prohibited at the Indian Kitchen site.

Emergency vehicles and vehicles owned by the United States, the State of Arizona, or Pima County are permitted on the Indian Kitchen site. Persons who violate this closure order are subject to arrest and, upon conviction, may be fined up to $100,000.00 and/or imprisoned for not more than 12 months as amended by 18 U.S.C. 3571 and 18 U.S.C. 3581.

Dated: March 5, 1998.

Bill Childress,

Acting Field Manager.

[FR Doc. 98–6832 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–32–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–933–1430–00; IDI–31741]

Opening of Land in a Proposed Withdrawal; Idaho

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The temporary 2-year segregation of a proposed withdrawal of 21,256.58 acres of public lands for the Department of Air Force's Mountain Home Air Force Base Enhanced Training in Idaho (ETI) site expires April 7, 1998, after which the lands will be open to surface entry, mining and mineral leasing.

EFFECTIVE DATE: April 7, 1998.

FOR FURTHER INFORMATION CONTACT: Jon Foster, BLM Idaho State Office, 1387 S. Vinnell Way, Boise, Idaho 83709, 208–373–3813.

SUPPLEMENTARY INFORMATION: A Notice of Proposed Withdrawal was published in the **Federal Register** (61 FR 15513, April 8, 1996), which segregated the lands described therein for up to 2 years from the land, mining and mineral leasing laws, subject to valid existing rights. The 2-year segregation expires April 7, 1998. The lands are described as follows:

Boise Meridian

(Alternative Site No. 1)—Proposal: Clover Butte Drop Zone

T. 12 S., R. 8 E.,
Sec. 10, SE¼SE¼;
Sec. 11, S½S½;
Sec. 12, S½S½;
Sec. 13;
Sec. 14;
Sec. 15, E½E½;
Sec. 22, E½E½;
Secs. 23 to 26 inclusive;
Sec. 27, E½E½;
Sec. 34, E½E½;
Sec. 35.
T. 12 S., R. 9 E.,
Sec. 7, lot 4, SE¼SW¼ and S½SE¼;
Sec. 8, S½S½;
Secs. 17 to 20 inclusive;
Secs. 29 to 32 inclusive.

(No Drop Zone)

T. 11 S., R. 4 E.,
Sec. 23, S½SW¼NW¼SE¼.
T. 9 S., R. 6 E.,
Sec. 21.
T. 13 S., R. 4 E.,
Sec. 4, N½NE¼NW¼SW¼.

(Emitters)

T. 8 S., R. 9 E.,
Sec. 34, SE¼SE¼NW¼SE¼.
T. 9 S., R. 6 E.,
Sec. 15, NW¼NW¼SW¼SW¼.
T. 11 S., R. 4 E.,
Sec. 23, NE¼NE¼NE¼SW¼.
T. 11 S., R. 5 E.,
Sec. 17, SE¼SE¼NE¼NE¼.
T. 12 S., R. 3 E.,
Sec. 26, NE¼NE¼NW¼NE¼.
T. 12 S., R. 10 E.,
Sec. 30, SW¼SW¼SW¼SW¼ within lot 4.
T. 13 S., R. 9 E.,
Sec. 10, NE¼NE¼NW¼NW¼.

The areas described aggregate 11,583.34 acres in Owyhee County.

(Alternative Site No. 2)—Proposal: Grasmere Drop Zone

T. 11 S., R. 4 E.,
Secs. 25 to 27 inclusive;
Secs. 34, N½, SE¼ and E½SW¼;
Sec. 35.
T. 11 S., R. 5 E.,
Sec. 30, lots 1 to 4 inclusive;
Sec. 31, lots 1 to 4 inclusive.
T. 12 S., R. 4 E.,
Secs. 1 to 4 inclusive;
Sec. 9;
Sec. 10, NW¼, S½, W½NE¼ and SE¼NE¼;
Sec. 11, S½, N½NE¼, SE¼NE¼ and NE¼NW¼;
Sec. 12;

Sec. 13, N½NW¼, N½SW¼NW¼, N½SE¼NW¼, NW¼NE¼, and N½SW¼NE¼;
Sec. 14, N½NW¼, N½SW¼NW¼, N½SE¼NW¼, N½NE¼, N½SW¼NE¼ and N½SE¼NE¼;
Sec. 15, N½NW¼, N½SW¼NW¼, N½SE¼NW¼, N½NE¼, N½SW¼NE¼ and N½SE¼NE¼.

(No Drop Zone)

T. 12 S., R. 9 E.,
Sec. 20, S½SW¼SW¼SW¼.
T. 9 S., R. 6 E.,
Sec. 21.
T. 13 S., R. 4 E.,
Sec. 4, N½NE¼NW¼SW¼.

(Emitters)

T. 8 S., R. 9 E.,
Sec. 34, SE¼SE¼NW¼SE¼.
T. 9 S., R. 6 E.,
Sec. 15, NW¼NW¼SW¼SW¼.
T. 11 S., R. 4 E.,
Sec. 23, NE¼NE¼NE¼SW¼.
T. 11 S., R. 5 E.,
Sec. 17, SE¼SE¼NE¼NE¼.
T. 12 S., R. 3 E.,
Sec. 26, NE¼NE¼NW¼NE¼.
T. 12 S., R. 10 E.,
Sec. 30, SW¼SW¼SW¼SW¼ within lot 4.
T. 13 S., R. 9 E.,
Sec. 10, NE¼NE¼NW¼SE¼.

The areas described aggregate 9,673.34 acres in Owyhee County.

At 9 a.m. on April 7, 1998, the lands will be opened to the operation of the public land laws generally, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. All valid applications received at or prior to 9 a.m. on April 7, 1998, shall be considered as simultaneously filed at that time. Those thereafter shall be considered in the order of filing.

At 9 a.m. on April 7, 1998, the lands will be opened to location and entry under the United States mining laws and to the operation of the mineral leasing laws, subject to valid existing rights, the provisions of existing withdrawals, other segregations of record, and the requirements of applicable law. Appropriation of any of the lands described in this order under the general mining laws prior to the date and time of restoration is unauthorized. Any such attempted appropriation, including attempted adverse possession under 30 U.S.C. 38 (1988), shall vest no rights against the United States. Acts required to establish a location and to initiate a right of possession are governed by State law where not in conflict with Federal law. The Bureau of Land Management will not intervene in disputes between rival locators over possessory rights since Congress has provided for such determinations in local courts.

Dated: March 9, 1998.

Jimmie Buxton,

Branch Chief, Lands and Minerals.

[FR Doc. 98–6851 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

Glen Canyon Technical Work Group; Public Meetings

SUMMARY: The Glen Canyon Technical Work Group (TWG) was formed as an official subcommittee of the Glen Canyon Adaptive Management Work Group (AMWG) on September 10, 1997. The TWG members were named by the members of the AMWG and will provide advice and information to the AMWG. The AMWG will use this information to form recommendations to the Secretary of the Interior for guidance of the Grand Canyon Monitoring and Research Center science program and other direction as requested by the Secretary. All meetings are open to the public; however, seating is limited and is available on a first come, first served basis.

Dates and locations: The TWG will conduct FOUR (4) public meetings at the following times and locations:

There will be three two-day public meetings: April 7–8, 1998; May 18–19, 1998; and June 9–10, 1998. Each meeting will begin at 9:30 a.m. on the first day and conclude at 4:00 p.m. on the second day.

The meetings on April 7–8, 1998, and June 9–10, 1998, will be held at the Arizona Department of Water Resources, Conference Room A, 500 North 3rd Street, Phoenix, Arizona.

The meeting on May 18–19, 1998, will be held in Flagstaff, Arizona, in the main conference room of the Grand Canyon Monitoring and Research Center located at 2255 North Gemini Drive.

There will be a one-day public meeting on July 23, 1998. This meeting will be held in Phoenix, Arizona, at the Embassy Suites Hotel, 1515 North 44th Street (near the Sky Harbor Airport). The meeting will begin at 8:00 a.m. and end at 12:00 noon.

Time will be allowed at each meeting for any individual or organization wishing to make formal oral comments (limited to 10 minutes), but written notice must be provided at least five (5) days prior to the meeting to Mr. Bruce Moore, Bureau of Reclamation, Upper Colorado Regional Office, 125 South State Street, Room 6107, Salt Lake City, Utah 84138–1102, telephone (801) 524–3702, faxogram (801) 524–5499, e-mail at: bmoore@uc.usbr.gov.

Agendas: General topics of discussion for the April 7–8, May 18–19, and June 9–10, 1998, meetings will be as follows:

Welcome
Monitoring and Research Plans for Fiscal Year 2000
Habitat/Maintenance and Beach/Habitat-Building Flows
Management Objectives
Spillway Gate Extensions
Science Advisory Board
Temperature Control Device
Cultural Resources
Conceptual Model
Budget
Public Comment

The agenda for the July 23, 1998, public meeting will be to discuss the assignments from the preceding Adaptive Management Work Group meetings.

Official agendas for each of the four public meetings will be available 15 days prior to each meeting on the Bureau of Reclamation's website under the Adaptive Management Program at http://www.uc.usbr.gov.

FOR FURTHER INFORMATION CONTACT: Bruce Moore, telephone (801) 524–3702, faxogram (802) 524–5499, e-mail at: bmoore@uc.usbr.gov.

Dated: March 11, 1998

Eluid L. Martinez

Commissioner, Bureau of Reclamation

[FR Doc. 98–6775 Filed 3–16–98; 8:45 am]

BILLING CODE 4310–94–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 C.F.R. 50.7, notice is hereby given that a proposed consent decree in *United States* v. *A–1 Battery, Inc.*, Civil Action No. 3CV980363, was lodged on March 4, 1998, with the United States District Court for the Middle District of Pennsylvania. The defendants in the action are alleged to be persons who arranged for the disposal or treatment, or arranged with a transporter for transport for disposal or treatment, of hazardous substances at the Tonolli Corporation Superfund Site, in Nesquehoning Borough, Carbon County, Pennsylvania. The proposed consent decree requires the defendants to conduct certain cleanup activities at the Site under the oversight of the United States Environmental Protection Agency. The

estimated cost of cleaning up the former lead smelter and battery recycling facility is $16.6 million.

The Department of Justice will receive, for a period ending thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C., 20530, and should specifically refer to *United States* v. *A–1 Battery, Inc.*, DOJ No. 90–7–2–174B.

The proposed consent decree may be examined at the Office of the United States Attorney for the Middle District of Pennsylvania, Suite 1162, Federal Building, 228 Walnut Street, Harrisburg, Pennsylvania 17108; the Region III Office of the Environmental Protection Agency, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Consent Decree Library, 1120 G. Street, N.W., 4th Floor, Washington, D.C. 20005, 202–624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library.

In requesting a copy of the proposed consent decree, please enclose a check in the amount of $83.00 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–6840 Filed 3–16–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Consent Decrees Under the Comprehensive Environmental Response, Compensation, and Liability Act and the Resource Conservation and Recovery Act

Notice is hereby given that a consent decree in *United States* v. *Bell Petroleum, et al.*, Civil Action No. MO–88–CA–05(W.D. Tex.) was lodged with the United States District Court for the Western District of Texas on March 6, 1998.

This action was filed in 1988 against Bell Petroleum Company and others to recover costs the United States had incurred and was continuing to incur in connection with the Odessa Chromium I Site in Odessa, Texas. At the time of settlement, the case was on its third appeal to the United States Court of Appeals for the Fifth Circuit.

The United States previously settled with all defendants except Sequa Corporation and Chromalloy American Corporation, a subsidiary of Sequa, recovering in excess of $1 million through those settlements. The present settlement resolves the United States' pending claims and certain future claims against Sequa and Chromalloy.

Under the Consent Decree, Sequa Corporation and Chromalloy American Corporation will pay the United States $2.2 million in cash. Fifty percent of the payment will be used to complete ongoing remedial actions at the Odessa I Site. The other fifty percent will reimburse the United States for past costs incurred by the United States in connection with the Odessa I Site. In exchange for these payments, the United States will provide a covenant not to sue to Sequa and Chromalloy under sections 106 and 107 of the Comprehensive Environmental Response, Compensation, and Recovery Act (''CERCLA''), 42 U.S.C. 9606 and 9607, and Section 7003 of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6973, relating to the Odessa I Site.

The Department of Justice will receive written comments relating to the proposed Consent Decree for thirty (30) days from the date of publication of this notice. Please address comments to the Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, P.O. Box 7611, Ben Franklin Station, Washington, D.C. 20044 and refer to *United States* v. *Bell Petroleum et al.*, D.J. Ref. No. 90–11–3–229A.

The Consent Decree may be examined at the Region 6 Office of EPA, 1445 Ross Avenue, Dallas, Texas, 75202, and at the Office of the United States Attorney, 400 West Illinois, Suite 1200, Midland, Texas.

A copy of the Consent Decree (if requested) may also be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005, (202) 624–0892. In requesting copies, please enclose a check in the amount of $5.50 (25 cents per page reproduction cost) payable to the ''Consent Decree Library.''

Joel Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–6843 Filed 3–16–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that a proposed Consent Decree in *United States* v. *Port of Moses Lake*, No. CS–98–0057–FVS (E.D. Washington), was lodged on February 23, 1998, with the United States District Court for the Eastern District of Washington. With regard to the Defendants, the Consent Decree resolves a claim filed by the United States on behalf of the United States Environmental Protection Agency (''EPA'') pursuant to the Comprehensive Environmental Response, Compensation and Liability Act, as amended, 42 U.S.C. 9601, *et seq.* The United States sought past costs and performance of work.

The United States entered into the Consent Decree in connection with the Moses Lake Wellfield Superfund Site located near Moses Lake, Washington. The Consent Decree provides that the Settling Defendant will perform work by installing a new water supply and reimburse the United States a total of $56,538.26 for past costs incurred by the United States at the Site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed Consent Decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Port of Moses Lake*, DOJ Ref. #90–11–2–1040.

The proposed Consent Decree may be examined at the office of the United States Attorney, 920 Riverside, Suite 300, Spokane, Washington 99201; the Region 10 office of the Environmental Protection Agency, 1200 Sixth Avenue, Seattle, Washington, and at the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005, (202) 624–0892. A copy of the proposed Consent Decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, NW., 4th Floor, Washington, DC 20005. In requesting a copy refer to the referenced case and enclose a check in the amount of $16.75 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section.

[FR Doc. 98–6841 Filed 3–16–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Notice of Lodging of Consent Decree Pursuant to the Comprehensive Environmental Response, Compensation, and Liability Act

Notice is hereby given that an amendment to the previously entered consent decree in *United States* v. *Reynolds Metals Co. and Westvaco Corp.*, Civil Action No. 3:97–CV–226 (E.D. Va.) was lodged with the court on February 27, 1998.

The proposed amendment to the previous decree resolves the claims of the United States against J.W. Fergusson and Sons, Inc. under Sections 106 and 107 of the Comprehensive Environmental Response, Compensation and Liability Act, as amended (''CERCLA''), 42 U.S.C. 9606 and 9607, for past response costs and certain response actions at the HH Burn Pit Superfund Site in Hanover County, Virginia. The decree obligates the Settling Defendant to reimburse $175,000 of the United States' past response costs and to join with two parties who settled previously to perform the remedial action the U.S. Environmental Protection Agency has selected for the site.

The Department of Justice will receive, for a period of thirty (30) days from the date of this publication, comments relating to the proposed consent decree. Comments should be addressed to the Assistant Attorney General for the Environment and Natural Resources Division, Department of Justice, Washington, D.C. 20530, and should refer to *United States* v. *Reynolds Metals Co. and Westvaco Corp.*, DOJ Ref. #90–11–3–1408.

The proposed amendment to consent decree may be examined at the United States Department of Justice, Environment and Natural Resources Division, Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C.20005, (202) 624–0892. A copy of the proposed consent decree may be obtained in person or by mail from the Consent Decree Library, 1120 G Street, N.W., 4th Floor, Washington, D.C. 20005. In requesting a copy, please refer to the referenced case and enclose a check in the amount of $3.50 (25 cents per page reproduction costs), payable to the Consent Decree Library.

Joel M. Gross,

Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 98–6842 Filed 3–16–98; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 98–8]

Agency Information Collection Activities: Proposed Collection; Comment Request; Hazardous Chemicals in Laboratories

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a preclearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently the Occupational Safety and Health Administration is soliciting comments concerning the proposed extension of the information collection request for the Hazardous Chemicals in Laboratories Standard 29 CFR 1910.1450. A copy of the proposed information collection request (ICR) can be obtained by contacting the employee listed below in the addresses section of this notice. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

DATES: Written comments must be submitted by May 18, 1998.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 98–8, U.S. Department of Labor, Room N–2625, 200 Constitution Avenue, NW., Washington, DC 20210, telephone number (202) 219–7894. Written comments limited to 10 pages or less in length may also be transmitted by facsimile to (202) 219–5046.

FOR FURTHER INFORMATION CONTACT: Adrian Corsey, Directorate of Health Standards Programs, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3718, telephone (202) 219–7075. A copy of the referenced information collection request is available for inspection and copying in the Docket Office and will be mailed immediately to persons who request copies by telephoning Adrian Corsey at (202) 219–7075 extension 105 or Barbara Bielaski at (202) 219–8076 extension 142. For electronic copies of the Information Collection Request on Hazardous Chemicals in Laboratories, contact OSHA's WebPage on the Internet at http://www.osha.gov/ and click on standards.

SUPPLEMENTARY INFORMATION:

I. Background

The Hazardous Chemicals in Laboratories standard and its information collection requirements provide protection for employees from the adverse health effects associated with occupational exposure to Hazardous Chemicals in Laboratories. The standard requires that employers establish a Chemical Hygiene Plan, including exposure monitoring and medical records. These records are used by employees, physicians, employers and OSHA to determine the effectiveness of the employers' compliance efforts. Also the standard requires that OSHA have access to various records to ensure that employers are complying with the disclosure provisions.

Type of Review: Extension.

Agency: Occupational Safety and Health Administration.

Title: Hazardous Chemicals in Laboratories 29 CFR 1910.1450.

OMB Control Number: 1218–0131.

Affected Public: Business or other for-profit, Federal government, State and Local governments.

Total Respondents: 34,214.

Frequency: On occasion.

Total Responses: 306,909.

Average Time per Response: Ranges from 5 minutes to make records available to 1.75 hours for an employee to have a consultation and a medical examination.

Estimated Total Burden Hours: 96,571.

Total Annualized capital/startup costs: 0.

Total initial annual costs (operating/maintaining systems or purchasing services): $10,568,950.

Comments submitted in response to this notice will be submitted and included in the request for Office of Management and Budget approval of the information collection. The comments will become a matter of public record.

Signed at Washington, DC, this 11th day of March, 1998.

Charles N. Jeffress,

Assistant Secretary of Labor.

[FR Doc. 98–6870 Filed 3–16–98; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, March 19, 1998.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from Three (3) Federal Credit Unions to Convert to Community Charters.
2. Request from a Credit Union to Convert Insurance.
3. Request from a Corporate Federal Credit Union for a Field of Membership Amendment.
4. Request from a Corporate Federal Credit Union for a Wavier from Part 704 and a Field of Membership Amendment.
5. Final Amendments to Interpretive Ruling and Policy Statement (IRPS) 94–1, (Chartering Manual).
6. Final Rule: Amendments to Part 792, Subpart A, NCUA's Rules and Regulations, Procedures for Processing Freedom of Information Act Requests for NCUA Records.
7. Final Rule: Amendments to Part 723, NCUA's Rules and Regulations, Member Business Loans.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, March 19, 1998.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Three (3) Administrative Actions under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
2. One Administrative Action under Part 741, NCUA's Rules and Regulations. Closed pursuant to exemption (8).
3. Three (3) Personnel Actions. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone (703) 518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 98–6964 Filed 3–12–98; 4:54 pm]

BILLING CODE 7535–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–298]

Nebraska Public Power District, Notice of Consideration of Issuance of Amendment to Facility Operating License and Opportunity for a Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–46, issued to the Nebraska Public Power District (NPPD or the licensee), for operation of the Cooper Nuclear Station (CNS), located in Nemaha County, Nebraska.

The proposed amendment, requested by the licensee in a letter dated March 27, 1997, would represent a full conversion from the current Technical Specifications (TS) to a set of TS based on NUREG–1433, ''Standard Technical Specifications, General Electric Plants, BWR/4,'' Revision 1, dated April 1995. NUREG–1433 has been developed through working groups composed of both NRC staff members and industry representatives and has been endorsed by the staff as part of an industry-wide initiative to standardize and improve the TS. As part of this submittal, the licensee has applied the criteria contained in the Commission's ''Final Policy Statement on Technical Specification Improvements for Nuclear Power Reactors (Final Policy Statement),'' published in the **Federal Register** on July 22, 1993 (58 FR 39132), to the current CNS TS, and, using NUREG–1433 as a basis, developed a proposed set of improved TS for CNS. The criteria in the Final Policy Statement were subsequently added to 10 CFR 50.36, ''Technical Specifications,'' in a rule change that was published in the **Federal Register** on July 19, 1995 (60 FR 36953) and became effective on August 18, 1995.

The licensee has categorized the proposed changes to the existing TS into four general groupings. These groupings are characterized as administrative changes, relocated changes, more restrictive changes and less restrictive changes.

Administrative changes are those that involve restructuring, renumbering, rewording, interpretation and complex rearranging of requirements and other changes not affecting technical content or substantially revising an operating requirement. The reformatting, renumbering and rewording process reflects the attributes of NUREG–1433 and does not involve technical changes to the existing TS. The proposed changes include: (a) Providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not impact initiators of analyzed events or assumed mitigation of accident or transient events.

Relocated changes are those involving relocation of requirements and surveillances for structures, systems, components, or variables that do not meet the criteria for inclusion in TS. Relocated changes are those current TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's policy statement and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Volume 1 of its March 27, 1997, submittal, which is entitled, ''Application of Selection Criteria to the Cooper Nuclear Station Technical Specifications.'' The affected structures, systems, components or variables are not assumed to be initiators of analyzed events and are not assumed to mitigate accident or transient events. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the TS to administratively controlled documents such as the Updated Safety Analysis Report (USAR), the TS BASES, The Technical Requirements Manual (TRM), the Core Operating Limits Report (COLR), the Offsite Dose Assessment Manual (ODAM), the Inservice Testing (IST) Program, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition the affected structures, systems, components, or variables are addressed in existing surveillance procedures that are also subject to 10 CFR 50.59. These

proposed changes will not impose or eliminate any requirements.

More restrictive changes are those involving more stringent requirements for operation of the facility. These more stringent requirements do not result in operation that will alter assumptions relative to the mitigation of an accident or transient event. The more restrictive requirements will not alter the operation of process variables, structures, systems, and components described in the safety analyses. For each requirement in the current CNS TS that is more restrictive than the corresponding requirement in NUREG–1433 that the licensee proposes to retain in the improved Technical Specifications (ITS), they have provided an explanation of why they have concluded that retaining the more restrictive requirement is desirable to ensure safe operation of the facility because of specific design features of the plant.

Less restrictive changes are those where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have been shown to provide little or no safety benefit, their removal from the TS may be appropriate. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the Improved Standard Technical Specifications. Generic relaxations contained in NUREG–1433 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations. The licensee's design will be reviewed to determine if the specific design basis and licensing basis are consistent with the technical basis for the model requirements in NUREG–1433, thus providing a basis for these revised TS, or if relaxation of the requirements in the current TS is warranted based on the justification provided by the licensee.

These administrative, relocated, more restrictive and less restrictive changes to the requirements of the current TS do not result in operations that will alter assumptions relative to mitigation of an analyzed accident or transient event.

In addition to the changes solely involving the conversion, changes are proposed to the current technical specifications or as deviations from the improved GE Technical Specifications (NUREG–1433) as follows:

1. ITS 3.1.8 revises the Scram Discharge Volume Vent and Drain Valve Actions from the corresponding actions of NUREG–1433, to eliminate the restoration requirement if the associated line is isolated.

2. ITS 3.5.1 revises the ECCS Allowed Outage Times from those in the CTS to allow continued operation for up to 72 hours with certain equipment or systems inoperable.

3. ITS 3.7.1, 3.7.2, and 3.7.3, would allow plant operation to continue indefinitely with only one pump per loop operable for the Residual Heat Removal Service Water Booster, the Service Water and the Reactor Equipment Cooling (REC) systems, based on current analyses. The CTS allow continued operation for only 30 days with one pump inoperable; the ITS also deviate from the required actions of NUREG–1433.

4. ITS 3.7.2 and 3.7.3 revise the Service Water and REC system pump and valve testing frequencies from monthly to quarterly to be consistent with ASME Section XI requirements.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

By April 16, 1998, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for a hearing and a petition for leave to intervene. Requests for a hearing and a petition for leave to intervene shall be filed in accordance with the Commission's ''Rules of Practice for Domestic Licensing Proceedings'' in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Auburn Memorial Library, 1810 Courthouse Avenue, Auburn, NE 68305. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) the nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest.

The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to 15 days prior to the first prehearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than 15 days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene which must include a list of the contentions which are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in proving the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to

intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, Attention: Rulemakings and Adjudications Staff, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, by the above date. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, and to Mr. John R. McPhail, Nebraska Public Power District, Post Office Box 499, Columbus, NE 68602–0499, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

If a request for a hearing is received, the Commission's staff may issue the amendment after it completes its technical review and prior to the completion of any required hearing if it publishes a further notice for public comment of its proposed finding of no significant hazards consideration in accordance with 10 CFR 50.91 and 50.92.

For further details with respect to this action, see the application for amendment dated March 27, 1997, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at the Auburn Memorial Library, 1810 Courthouse Avenue, Auburn, NE 68305.

Dated at Rockville, Maryland, this 11th day of March 1998.

For the Nuclear Regulatory Commission.

James R. Hall,

Senior Project Manager, Project Directorate IV–1, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–6825 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No.: 040–07924]

Schott Glass Technologies, Inc., License Termination Request, Opportunity for Hearing and Notification of Public Meeting on Licensee's Termination Request

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of intent to terminate the NRC license for the Schott Glass Technologies, Inc. (Schott) facility located in Duryea, Pennsylvania, notice of a public meeting, and notice of opportunity for a hearing for release of the site for unrestricted use.

The U.S. Nuclear Regulatory Commission (NRC) is considering granting the license termination for Source Material License No. STB–988, requested by Schott Glass Technologies, Inc. (the licensee), Duryea, Pennsylvania. The NRC has determined that remediation of residual radioactive contamination, as a result of past operations with NRC licensed material in buildings and in exterior areas on the site, has successfully been completed and the facility meets the NRC Criteria for release for unrestricted use, which were identified in the ''Action Plan to Ensure Timely Cleanup of Site Decommissioning Management Plan Sites'' (57 FR 13389–13392, April 16, 1992).

The NRC hereby provides notice of an opportunity to meet with the NRC staff to discuss the following: (1) The licensee's site remediation actions and final status survey; (2) the NRC confirmatory inspections including independent sampling; and (3) the proposed action to terminate the license and remove the site from the Site Decommissioning Management Plan (SDMP). The meeting will be held on March 23, 1998, from 7 to 9 p.m., at Victoria Inns located on Route 315, in Pittston Township, Pennsylvania.

Waste glass materials from manufacturing glass, including thoriated glass, which contained thorium concentrations that met the NRC definition of source material, were placed in a parabolic-shaped landfill area on the licensee's property from 1969 until 1980. Based on the licensee's site characterization data, the thoriated glass volume is approximately 0.01% of the fill area. Fixed residual contamination was also identified in localized areas where the thorium had been stored and processed in the manufacturing building. Schott's current NRC license authorized possession of this glass and residual contamination incident to decommissioning only. By letter dated January 22, 1997, Schott informed NRC that it had completed the final decommissioning survey of the buildings and loading dock, and multi-layered cap of the fill area at their facility located in Duryea. Additional information in response to the NRC review of this termination request was submitted on March 31, 1997, November 25, 1997, and January 21, 1998. Based upon the licensee completing the required remediation actions as represented in the above documents and the NRC confirmatory inspection report dated March 26, 1997, NRC concluded that the facility meets the NRC guidance for releasing the site for unrestricted use. Notwithstanding, the Pennsylvania Department of Environmental Protection (PADEP) required some land-use restrictions as a condition of approval of the waste management plan to address the non-radiological hazardous materials that are regulated by PADEP.

The NRC hereby provides notice that this is a proceeding on an application for a license amendment falling within the scope of Subpart L, ''Informal Hearing Procedures for Adjudications in Materials and Operator Licensing Proceedings,'' of NRC's rules and practice for domestic licensing proceedings in 10 CFR part 2. Pursuant to § 2.1205(a), any person whose interest may be affected by this proceeding may file a request for a hearing in accordance with § 2.1205(c). A request for a hearing must be filed within thirty (30) days of the date of publication of this **Federal Register** Notice.

The request for a hearing must be filed with the Office of the Secretary either:

1. By delivery to the Docketing and Service Branch of the Secretary at One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738; or

2. By mail or telegram addressed to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Attention: Docketing and Service Branch.

In addition to meeting other applicable requirements of 10 CFR Part 2 of the NRC's regulations, a request for a hearing filed by a person other than an applicant must describe in detail:

1. The interest of the requestor in the proceeding;

2. How that interest may be affected by the results of the proceeding, including the reasons why the requestor should be permitted a hearing, with particular reference to the factors set out in § 2.1205(g);

3. The requestor's areas of concern about the licensing activity that is the subject matter of the proceeding; and

4. The circumstances establishing that the request for a hearing is timely in accordance with § 2.1205(c).

In accordance with 10 CFR 2.1205(e), each request for a hearing must also be served, by delivering it personally or by mail, to:

1. The licensee, Schott Glass Technologies, Inc, Attention: Thomas McDonald, Manager, Environmental and Safety, 400 York Avenue, Duryea, Pennsylvania 18642; and

2. The NRC staff, by delivery to the Executive Director for Operations, One White Flint North, 11555 Rockville Pike, Rockville, MD 20852–2738 or by mail, addressed to the Executive Director for Operations, U.S. Nuclear Regulatory Commission, Washington, DC 20555.

For further details with respect to this action, the application for amendment request is available for inspection at the NRC's Public Document Room, 2120 L Street NW., Washington, DC 20555 or at NRC's Region I offices located at 475 Allendale Road, King of Prussia, PA 19406. Persons desiring to review documents at the Region I Office should call Ms. Sheryl Villar at (610) 337–5239 several days in advance to assure that the documents will be readily available for review.

Dated at King of Prussia, Pennsylvania this 6th day of March 1998.

For the Nuclear Regulatory Commission.

A. Randolph Blough,

Director, Division of Nuclear Materials Safety Region I.

[FR Doc. 98–6824 Filed 2–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–029–LA; ASLBP No. 98–736–01–LA]

Yankee Atomic Electric Company; Establishment of Atomic Safety and Licensing Board

Pursuant to delegation by the Commission dated December 29, 1972, published in the **Federal Register**, 37 F.R. 28710 (1972), and Sections 2.105, 2.700, 2.702, 2.714, 2.714a, 2.717, 2.721 of the Commission's Regulations, all as amended, an Atomic Safety and Licensing Board is being established to preside over the following proceeding.

Yankee Atomic Electric Company, Yankee Nuclear Power Station

This Board is being established pursuant to the requests for hearing submitted by petitioners, the New England Coalition on Nuclear Pollution, the Citizens Awareness Network, the Nuclear Information and Resource Service, and the Franklin Regional Council of Governments. The requests were submitted in response to an amendment request of the Yankee Atomic Electric Company. The NRC has made a proposed determination that the amendment involves no significant hazards consideration. The amendment considered by the staff is the License Termination Plan for the Yankee Rowe Nuclear Power Station submitted for consideration on May 15, 1997. The findings of the staff is published in the **Federal Register** (63 F.R. 4308, 4328).

The Board is comprised of the following administrative judges:

James P. Gleason, Chairman, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Thomas D. Murphy, Atomic Safety and Licensing Board Panel, U.S. Nuclear Regulatory Commission, Washington, D.C. 20555

Dr. Thomas S. Elleman, 704 Davidson Street, Raleigh, NC 27609

All correspondence, documents and other materials shall be filed with the Judges in accordance with 10 CFR 2.701.

Issued at Rockville, Maryland, this 9th day of March 1998.

B. Paul Cotter, Jr.,

Chief Administrative Judge, Atomic Safety and Licensing Board Panel.

[FR Doc. 98–6782 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 72–20]

Notice of Availability of the Final Environmental Impact Statement for the U.S. Department of Energy To Construct and Operate an Independent Spent Fuel Storage Installation To Store the Three Mile Island Unit 2 Spent Fuel at the Idaho National Engineering and Environmental Laboratory

Notice is hereby given that the U.S. Nuclear Regulatory Commission (the Commission) has published a Final Environmental Impact Statement (FEIS) (NUREG–1626) regarding the U.S. Department Of Energy's (DOE) proposed construction and operation of an independent spent fuel storage installation (ISFSI) to store the Three Mile Island Unit 2 (TMI–2) spent fuel at the Idaho National Engineering and Environmental Laboratory (INEEL).

As part of its overall spent nuclear fuel (SNF) management program, the DOE has prepared a final programmatic environmental impact statement that provides an overview of the spent fuel management proposed for INEEL, including the construction and operation of the TMI–2 ISFSI (the DOE SNF EIS). In addition, the DOE—Idaho Operations Office (DOE–ID) has prepared an environmental assessment (EA) to describe the environmental impacts associated with the stabilization of the Test Area North (TAN) storage pool and the construction/operation of the ISFSI at the Idaho Chemical Processing Plant (ICPP). As provided in NRC's National Environmental Policy Act (NEPA) procedures outlined in 10 CFR Part 51, Appendix A to Subpart A, a FEIS of another Federal agency may be adopted in whole or in part in accordance with the procedures outlined in 40 CFR 1506.3 of the regulations of the Council on Environmental Quality (CEQ). Under 40 CFR 1506.3(b), if the actions covered by the original EIS and the proposed action are substantially the same, the agency adopting another agency's statement is not required to recirculate it except as a final statement.

The NRC has determined that its proposed action of issuing a license authorizing the construction and operation of the TMI–2 ISFSI is substantially the same as actions considered in 2 DOE's environmental documents referenced above and, therefore, has elected to adopt the DOE documents as the NRC FEIS. The NRC staff has independently reviewed the DOE SNF EIS and the DOE–ID EA to determine that they are current and that NRC NEPA procedures have been satisfied. The format used has been to excerpt from the DOE NEPA documents a description of the proposed action, an evaluation of alternative actions, a description of the affected environment, and an evaluation of the impacts of both construction and operation of the ISFSI. The NRC staff concludes that the facility can be constructed and operated with small and acceptable effects on the public and the existing environment at the INEEL.

The FEIS is available for public inspection and copying at the Commission's Public Document Room at the Gelman Building, 2120 L Street, NW, Washington, DC and at the Local Reading Room at the INEEL Technical Library, 1776 Science Center Drive, Idaho Falls, Idaho.

FOR FURTHER INFORMATION, CONTACT: Dr. Edward Y. Shum, Spent Fuel Licensing Section, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555, telephone 301–415–8545.

Dated at Rockville, Maryland, this 9th day of March 1998.

For the Nuclear Regulatory Commission.

Charles J. Haughney,

Acting Director, Spent Fuel Project Office, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 98–6780 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–331]

IES Utilities Inc., Central Iowa Power Cooperative, Corn Belt Power Cooperative, and Duane Arnold Energy Center; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. DPR–49 issued to IES Utilities Inc., (the licensee), for operation of the Duane Arnold Energy Center (DAEC), located in Linn County, Iowa.

Environmental Assessment

Identification of the Proposed Action

The proposed amendment will revise the existing Technical Specifications (TS) in their entirety and incorporate the guidance provided in NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants BWR/4,'' dated April 1995. The proposed action is in accordance with the licensee's amendment request dated October 30, 1996, as supplemented by letters dated June 10, September 5, 17, 25, and 30, October 16, November 18 and 21, December 8 and 15, 1997, January 2, 5, 12, 22 and 23, and February 10 and 26, 1998.

The Need for the Proposed Action

It has been recognized that nuclear safety in all plants would benefit from improvement and standardization of TS. The ''NRC Interim Policy Statement on Technical Specification Improvements for Nuclear Power Reactors,'' (52 FR 3788) contained proposed criteria for defining the scope of technical specifications. Later, the ''NRC Final Policy Statement on TS Improvement for Nuclear Power Reactors,'' (58 FR 39132) incorporated lessons learned since publication of the interim policy statement and formed the basis for recent revision to 10 CFR 50.36. The ''Final Rule'' (60 FR 36953) codified criteria for determining the content of technical specifications. To facilitate the development of standard TS, each vendor owners' group (OG) and the NRC staff developed standard TS. The NRC Committee to Review Generic Requirements (CRGR) reviewed the STS, made note of its safety merits, and indicated its support of conversion by operating plants to the STS. For DAEC, the Standard Technical Specifications (STS) are NUREG–1433, Revision 1, ''Standard Technical Specifications, General Electric Plants BWR/4,'' dated April 1995. This document formed the basis for DAEC Improved TS (ITS) conversion.

Description of the Proposed Change

The proposed revision to the TS is based on NUREG–1433, and on guidance provided in the Final Policy Statement. Its objective is to completely rewrite, reformat, and streamline the existing TS. Emphasis is placed on human factors principles to improve clarity and understanding. The Bases section has been significantly expanded to clarify and better explain the purpose and foundation of each specification. In addition to NUREG–1433, portions of the existing TS were also used as the basis for the development of the DAEC ITS. Plant-specific issues (unique design features, requirements, and operating practices) were discussed at length with the licensee.

The proposed changes from the existing TS can be grouped into four general categories. These groupings are characterized as administrative changes, technical changes—relocations, technical changes—more restrictive, and technical changes—less restrictive. They are described as follows:

1. Administrative changes are those that involve restructuring, renumbering, rewording, interpretation, and rearranging of requirements and other changes not affecting technical content or substantially revising an operational requirement. The reformatting, renumbering, and rewording processes reflect the attributes of NUREG–1433 and do not involve technical changes to the existing TSs. The proposed changes include (a) providing the appropriate numbers, etc., for NUREG–1433 bracketed information (information that must be supplied on a plant-specific basis, and which may change from plant to plant), (b) identifying plant-specific wording for system names, etc., and (c) changing NUREG–1433 section wording to conform to existing licensee practices. Such changes are administrative in nature and do not affect initiators of analyzed events or assumed mitigation of accident or transient events.

2. Technical changes—relocations are those changes involving relocation of requirements and surveillances from the existing TS to licensee-controlled documents, for structures, systems, components, or variables that do not meet the criteria for inclusion in the Improved Technical Specifications. Relocated changes are those existing TS requirements that do not satisfy or fall within any of the four criteria specified in the Commission's Final Policy Statement and 10 CFR 50.36, and may be relocated to appropriate licensee-controlled documents.

The licensee's application of the screening criteria is described in Volume 1 of its October 30, 1996, application titled, ''Duane Arnold Energy Center Improved Technical Specifications Split Report and Relocated CTS Pages.'' The affected structures, systems, components, or variables are not assumed to be initiators of events analyzed in the Updated Final Safety Analysis Report (UFSAR) and are not assumed to mitigate accident or transient events analyzed in the UFSAR. The requirements and surveillances for these affected structures, systems, components, or variables will be relocated from the existing TS to administratively controlled documents such as the UFSAR, the BASES, or other licensee-controlled documents. Changes made to these documents will be made pursuant to 10 CFR 50.59 or other appropriate control mechanisms. In addition, the affected structures, systems, components, or variables are addressed in existing surveillance procedures which are also subject to 10 CFR 50.59.

3. Technical Changes—more restrictive are those changes that involve more stringent requirements for operation of the facility or eliminate existing flexibility. These more stringent requirements do not result in operation that will alter assumptions relative to mitigation of an accident or transient event. Also, other more restrictive technical changes have been made to achieve consistency, correct discrepancies, and remove ambiguities from the specification.

4. Technical changes—less restrictive are changes where current requirements are relaxed or eliminated, or new flexibility is provided. The more significant ''less restrictive'' requirements are justified on a case-by-case basis. When requirements have

been shown to provide little or no safety benefit, their removal from the ITS may be appropriate. In most cases, relaxations granted to individual plants on a plant-specific basis were the result of (a) generic NRC actions, (b) new NRC staff positions that have evolved from technological advancements and operating experience, or (c) resolution of the Owners Groups' comments on the ITS. Generic relaxations contained in NUREG–1433 were reviewed by the staff and found to be acceptable because they are consistent with current licensing practices and NRC regulations.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to the TS. Changes which are administrative in nature have been found to have no effect on the technical content of the TS and are acceptable. The increased clarity and understanding these changes bring to the TS are expected to improve the operators' control of the plant in normal and accident conditions. Relocation of requirements to other licensee-controlled documents does not change the requirements themselves. Further changes to these requirements may be made by the licensee under 10 CFR 50.59 or other NRC approved control mechanisms, which ensures continued maintenance of adequate requirements. All such relocations have been found to be in conformance with the guidelines of NUREG–1433 and the Final Policy Statement, and are, therefore, acceptable.

Changes involving more restrictive requirements have been found to enhance plant safety and to be acceptable.

Changes involving less restrictive requirements have been reviewed individually. When requirements have been shown to provide little or no safety benefit or to place unnecessary burden on the licensee, their removal from the TS was justified. In most cases, relaxations previously granted to individual plants on a plant-specific basis were the result of a generic action, or of agreements reached during discussions with the Owners Groups and found to be acceptable for DAEC. Generic relaxations contained in NUREG–1433 have also been reviewed by the NRC staff and have been found to be acceptable.

In summary, the proposed revisions to the TS were found to provide control of plant operations such that reasonable assurance will be provided that the health and safety of the public will be adequately protected.

These TS changes will not increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. Therefore, the Commission concludes that there are no significant radiological environmental impacts associated with the proposed TS amendments.

With regard to potential nonradiological impacts, the proposed amendment involves features located entirely within the restricted area as defined in 10 CFR Part 20. They do not affect nonradiological plant effluents and have no other environmental impact. Therefore, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed TS amendments.

Alternatives to the Proposed Action

Since the Commission has concluded there is no measurable environmental impact associated with the proposed amendments, any alternatives with equal or greater environmental impact need not be evaluated. The principal alternative to this action would be to deny the amendment request. Such action would not reduce the environmental impact of plant operations.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the DAEC.

Agencies and Persons Consulted

In accordance with its stated policy, on February 23, 1998, the Commission consulted with the Iowa State official, Ms. Parween Baig, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's application dated October 30, 1996, as supplemented by letters dated June 10, September 5, 17, 25, and 30, October 16, November 18 and 21, December 8 and 15, 1997, January 2, 5, 12, 22 and 23, and February 10 and 26, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, D.C. 20555, and at the local public document room located at the Cedar Rapids Public Library, 500 First Street, SE., Cedar Rapids, IA 52401.

Dated at Rockville, Maryland, this 11th day of March 1998.

For the Nuclear Regulatory Commission

Richard J. Laufer,

Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV, Office of Nuclear Reactor Regulation.

[FR Doc. 98–6823 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–280 and 50–281]

Virginia Electric and Power Company; Surry Power Station, Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of amendments to Facility Operating Licenses Nos. DPR–32 and DPR–37, issued to Virginia Electric and Power Company, (the licensee), for operation of the Surry Power Station (SPS) located in Surry County, Virginia.

Environmental Assessment

Identification of the Proposed Action

By letter dated November 5, 1997, as supplemented by letter dated January 28, 1998, the licensee proposed to change the technical specifications (TS) to allow an increase in fuel enrichment (Uranium 235, U–235) to 4.3 weight percent. Surry TS currently limit fuel in the spent fuel pool and reactor to a maximum enrichment of 4.1 weight percent of U–235.

The Need for the Proposed Action

The licensee intends, in the future, to use the more highly enriched fuel to support longer fuel cycles. Currently, TS 5.3.A.3 and 5.4.B limit the enrichment of reload fuel for the reactor core and the spent fuel storage racks to 4.1 weight percent U–235. The amendment is needed to give the licensee the flexibility to use more highly enriched fuel to support longer fuel cycles.

Environmental Impacts of the Proposed Action

The Commission has completed its evaluation of the proposed revision to

the TS and concludes that storage and use of fuel enriched with U–235 up to 4.3 weight is acceptable. The safety considerations associated with higher enrichments were evaluated by the NRC staff and the staff concluded that such changes would not adversely affect plant safety. The proposed changes will not increase the probability of any accident. The higher enrichment and increased fuel burnup may slightly change the mix of fission products that might be released in the event of a serious accident, but such small changes would not significantly affect the consequences of accidents.

No changes are being made in the types or quantity of any effluents that may be released offsite, no changes are being made to the authorized power level, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. The environmental impacts of transportation resulting from the use of higher enrichment and extended irradiation are discussed in the staff assessment entitled ''NRC Assessment of the Environmental Effects of Transportation Resulting from Extended Fuel Enrichment and Irradiation,'' dated July 7, 1988. This assessment was published in the **Federal Register** on August 11, 1988 (53 FR 30355) as corrected on August 24, 1988 (53 FR 32322) in connection with an Environmental Assessment and Finding of No Significant Impact related to the Shearon Harris Nuclear Power Plant, Unit 1. As indicated therein, the environmental cost contribution of an increase in fuel enrichment of up to 5 weight percent U–235 and irradiation limits of up to 60 gigawatt days per metric ton (GWD/MT) are either unchanged, or may in fact be reduced from those summarized in Table S–4 as set forth in 10 CFR 51.52(c). These findings are applicable to these proposed amendments for Surry Power Station, Units 1 and 2, given that the proposal involves less than 5% enrichment and burnup of less than 60 GWD/MT. Accordingly, the Commission concludes that this proposed action would result in no significant radiological environmental impact.

With regard to potential nonradiological impacts, the proposed action involves features located entirely within the restricted area as defined in 10 CFR Part 20. It does not affect nonradiological plant effluents and has no other environmental impact. Accordingly, the Commission concludes that there are no significant nonradiological environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

Since the Commission has concluded there is no significant environmental impact associated with the proposed action, any alternatives with equal or greater environmental impact need not be evaluated. As an alternative to the proposed action, the staff considered denial of the proposed action. Denial of the application would result in no change in current environmental impacts of plant operation and would result in reduced operational flexibility.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Surry Power Station.

Agencies and Persons Consulted

In accordance with its stated policy, on February 4, 1998, the staff consulted with the Virginia State official, Mr. L. Foldese of the Virginia Department of Health, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

Based upon the environmental assessment, the Commission concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the Commission has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 5, 1997, as supplemented by letter dated January 28, 1998, which are available for public inspection at the Commission's Public Document Room, The Gelman Building, 2120 L Street, NW., Washington, DC, and at the local public document room located at The Swem Library, College of William and Mary, Williamsburg, Virginia 23185.

Dated at Rockville, Maryland, this day of 1998.

For the Nuclear Regulatory Commission.

Gordon E. Edison, Sr.,

Project Manager, Project Directorate II–1, Division of Reactor Projects—I/II, Office of Nuclear Reactor Regulation.

[FR Doc. 98–6781 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Subcommittee Meeting on Advanced Reactor Designs; Meeting

The ACRS Subcommittee on Advanced Reactor Designs will hold a meeting on March 31 and April 1, 1998, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

Portions of the meeting may be closed to public attendance to discuss Westinghouse Electric Company safeguards information related to the AP600 pursuant to 5 U.S.C. 552b(c)(3).

The agenda for the subject meeting shall be as follows:

Tuesday, March 31, 1998—8:30 a.m. until the conclusion of business

Wednesday, April 1, 1998—8:30 a.m. until the conclusion of business

The Subcommittee will hear discussion with representatives of the NRC staff and Westinghouse regarding the AP600 Standard Safety Analysis Report and the draft Final Safety Evaluation Report Chapters 2, 9, 10, 12, 13, and 15. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, Westinghouse Electric, their consultants and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the scheduling of sessions which are open to the public, the Chairman's ruling on

requests for the opportunity to present oral statements and the time allotted therefor can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415–6888) between 7:30 a.m. and 4:15 p.m. (EST). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: March 10, 1998.

Medhat El-Zeftawy,

Acting Chief, Nuclear Reactors Branch.

[FR Doc. 98–6783 Filed 3–16–98; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Thursday, March 19, 1998.

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public.

MATTERS TO BE CONSIDERED:

Thursday, March 19—Tentative

2:30 p.m.

Affirmation Session (Public Meeting)

a. Petition for Commission Review of Director's Decision on Paducah Seismic Upgrades Certificate Amendment Request

* The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: Bill Hill (301) 415–1661.

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The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to it, please contact the Office of the Secretary, Attn: Operations Branch, Washington, DC 20555 (301–415–1661).

* * * * *

In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to wmh@nrc.gov or dkw@nrc.gov.

Dated: March 12, 1998.

William M. Hill, Jr.,

SECY Tracking Officer, Office of the Secretary.

[FR Doc. 98–6984 Filed 3–13–98; 11:40 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

Submission for OMB Review; Comment Request

Extension: Rule 206(3)–2 SEC File No. 270–216 OMB Control No. 3235–0243

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collections of information discussed below.

Rule 206(3)–2 permits investment advisers to comply with section 206(3) of the Investment Advisers Act of 1940 by obtaining a blanket consent from a client to enter into agency cross transactions, provided that certain disclosures are made to the client. The information requirements of the rule consist of the following: (1) Prior to obtaining the client's consent appropriate disclosure must be made to the client as to the practice of, and the conflicts of interest involved in, agency cross transactions; (2) at or before the completion of any such transaction the client must be furnished with a written confirmation containing specified information and offering to furnish upon request certain additional information; and (3) at least annually, the client must be furnished with a written statement or summary as to the total number of transactions during the period covered by the consent and the total amount of commissions received by the adviser or its affiliated broker-dealer attributable to such transactions.

The information required by rule 206(3)–2 is used by the Commission in connection with its investment adviser inspection program to ensure that advisers are in compliance with rule 206(3)–2. The information is also used by clients. Without the information collected under the rule, the Commission would be less efficient and effective in its inspection program and clients would not have information valuable for monitoring the adviser's handling of their accounts.

The Commission estimates that approximately 233 respondents utilize the rule annually, necessitating about 122 responses per respondent each year, for a total of 28,426 responses. Each response requires about .5 hours, for a total of 14,213 hours.

These collections of information are found at 17 CFR 275.206(3)–2 and are necessary in order for the investment adviser to obtain the benefits of rule 206(3)–2. Commission-registered investment advisers are required to maintain and preserve certain information required under rule 206(3)–2 for five years. The long-term retention of these records is necessary for the Commission's inspection program to ascertain compliance with the Investment Advisers Act.

The estimated average burden hours are made solely for the purposes of the Paperwork Reduction Act and are not derived from a comprehensive or even representative survey or study of the cost of Commission rules and forms.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

General comments regarding the above information should be directed to the following persons: (i) Desk Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 5th Street, N.W., Washington, DC 20549. Comments must be submitted to OMB within 30 days of this notice.

Dated: March 4, 1998.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6764 Filed 3–16–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39738; File No. SR–OCC–97–11]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Approving Proposing Rule Change Relating to the Stock Loan/Hedge System

March 10, 1998.

On July 11, 1997, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–OCC–97–11) pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Regiser** on December 9, 1997.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

OCC's stock loan/hedge system (''HEDGE system'') is a clearing system for stock loans between OCC clearing members.[3] The rule change amends OCC's by-laws governing the HEDGE system to eliminate the requirements with respect to the accounts in which stock loan positions must be maintained.

OCC's by-laws that govern the HEDGE system [4] currently treat stock loans as if they were pledges of loaned securities subject to the Commission's hypothecation rules.[5] The hypothecation rules limit the circumstances under which a broker-dealer may pledge securities carried for the account of any customer [6] and specifically prohibit broker-dealers from pledging securities carried for the account of any customer under circumstances that will permit such securities to be commingled with securities carried for the account of any person other than a bona fide customer of such broker or dealer under a lien for a loan made to such broker or dealer.[7] Accordingly, under the HEDGE system's account segregation rules, a clearing member that desires to lend stock must (1) first determine whether the stock is a customer or proprietary security and (2) carry out the loan through its OCC customers' account (or where permitted through its OCC marketmaker's account) if the stock is a customer security.

OCC has determined that there is no legal reason for OCC's by-laws to treat stock loans under the HEDGE system as hypothecations. Therefore, OCC has concluded that it may eliminate the HEDGE system's account segregation requirements for stock loans without violating or causing its clearing members to violate the Commission's hypothecation rules.

II. Discussion

Section 17A(b)(3)(F) of the Act [8] requires that the rules of a clearing agency be designed to remove impediments to and perfect the mechanism of the national system for the prompt and accurate clearance and settlement of securities transactions. For the reasons discussed below, the Commission believes that OCC's rule change relating to the HEDGE system is consistent with OCC's obligations under Section 17A(b)(3)(F).

The Commission is satisfied with OCC's determination that it is not obligated to treat stock loans carried out through the HEDGE system as if they were pledges of loaned securities subject to the Commission's hypothecation rules. The Commission believes that the rule change should increase the use of OCC's HEDGE system which should in turn help to improve the efficiency and safety of stock lending transactions. Accordingly, the Commission believes that the rule change should enable OCC to remove impediments to and to help perfect the mechanism of the national system for the prompt and accurate clearance and settlement of securities transactions.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular with Section 17A of the Act [9] and the rules and regulations thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–97–11) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6766 Filed 3–16–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39742; File No. SR–Phlx–97–62]

Self-Regulatory Organizations: Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Amend Its By-Law Article X, Sections 10–16, 10–17 and 10–19 To Require That Each of Its Trading Floor Committees Consult With Its Corresponding Quality of Markets Committee on All Matters of Policy and All Matters That Are To Be Presented to the Board

March 11, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] notice is hereby given that on December 29, 1997, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule changed as described in Items, I, II, and III below, which Items have been prepared by the self-regulatory organization.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx hereby proposes to amend its By-Law Article X, Sections 10–16, 10–17 and 10–19 so that each of its respective trading floor standing

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[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 39386 (December 2, 1997), 62 FR 64902 (December 9, 1997).

[3] For a complete description of the HEDGE system, refer to Securities Exchange Act Release No. 32638 (July 15, 1993), 58 FR 39254 (July 22, 1993) [File No. SR–OCC–92–34] (order approving proposed rule change establishing HEDGE system).

[4] OCC By-Laws, Article XXI, Section 5.

[5] 17 CFR 240.8c–1 and 240.15c2–1.

[6] For purposes of the hypothecation rules, the term ''customer'' includes registered broker-dealers so long as they are not affiliated in specified ways with the broker-dealer effecting the pledge. 17 CFR 240.8c—1(b)(1), 240.15c2–1(b)(1). References to customers'' and ''non-customers'' herein are based on the definition in the hypothecation rules.

[7] 17 CFR 240.15c2–1(a)(2). See also 17 CFR 240.8c–1(a)(2) (providing the same requirements as Rules 15c2–(1)(a)(2) except that its scope is limited to exchange members and brokers and dealers that transact business through exchange members).

[8] 15 U.S.C. 78q–1(b)(3)(F).

[9] 15 U.S.C. 78q–1.

[10] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] A technical amendment, Amendment No. 1, was filed with the Commission on March 10, 1998. It amended By-Law Article X, Sections 10–17 to require that the Foreign Currency Options Committee (''Committee'') consult with the Foreign Currency Options Trading Floor's Quality of Markets Committee on ''all'' matters which are to be presented to the Phlx Board of Governors by the Committee, consistent with proposed amendments to Section 10–16 and 10–19. The qualifying term ''all'' was unintentionally left out of the initial filing provisions relating to Section 10–17.

committees shall consult with its corresponding quality of markets committee on all matters which are to be presented to the Board of Governors.

The text of the proposed rule change is set forth in full in Exhibit B to the filing.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

Phlx By-Law Article X, Sections 10–16, 10–17 and 10–19 set forth the charters of the Exchange's various trading floor standing committees. The proposed amendments specify that each of the trading floor standing committees shall consult with its respective quality of markets on all matters of policy and all matters which are to be presented to the Board of Governors. The proposed amendments are intended to foster sharing of views on policy and other matters between the various trading floor standing committees (Floor Procedure, Foreign Currency Options and Options) and corresponding quality of markets committees. The intended sharing of views on all policy matters is designed to bring the perspectives of the non-industry representatives of the various quality of markets committees to matters that may be referred to the Board of Governors by the various trading floor standing committees.

The proposed rule change is consistent with Section 6 of the Act [3] in general, and in particular, with Section 6(b)(5) [4] in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and national market system, as well as to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Phlx consents, the Commission will:

(A) By order approve such proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the submission is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of such filing will also be available for inspection and copying at the principal office of Phlx. All submissions should refer to File No. SR–Phlx–97–62 and should be submitted by April 7, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6762 Filed 3–16–98; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f.

[4] 15 U.S.C. 78f(b)(5).

[5] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39740; File No. SR–Phlx–98–10]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Automatic Price Improvement for Certain PACE Orders

March 10, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on, February 10, 1998, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx, pursuant to Rule 19b–4 of the Act, proposes to amend Rule 229, Philadelphia Stock Exchange Automatic Communication and Execution (''PACE'') System,[3] Supplementary Material .07(c), Double-up/Double-down Situations, to adopt a new automatic price improvement initiative for PACE orders. Specifically, specialists could voluntarily choose to provide automatic price improvement of 1/16 to eligible orders where the PACE Quote [4] is 1/8 or greater, or 3/16 or greater. Eligible orders would be automatically executable market and marketable limit orders [5] in New York Stock Exchange or American

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] PACE is the Exchange's automatic order routing and execution system for securities on the equity trading floor.

[4] The PACE Quote consists of the best bid/offer among the American, Boston, Cincinnati, Chicago, New York, Pacific and Philadelphia Stock Exchanges as well as the Intermarket Trading System/Computer Assisted Execution System (''ITS/CAES''). *See* Phlx Rule 229.

[5] A market order is an order to buy or sell a stated amount of a security at the best price obtainable when the order is received. A marketable limit order is an order to buy or sell a stated amount of a security at a specified price, which is received at a time when the market is trading at or better than the specified price.

Stock Exchange listed securities received through PACE beginning at 9:45 A.M., in sizes of 599 shares or less (or the specialist's higher automatic execution guarantee size).

However, the proposed automatic price improvement feature would not price improve in certain situations. First, where a buy order would be improved to a price less than the last sale or a sell order would be improved to a price higher than the last sale, the order is not eligible for automatic price improvement, and is, instead, automatically executed at the PACE Quote. Similarly, where a buy order would be improved to the last sale price which is a down tick, or where a sell order would be improved to the last sale price which is an up tick, the order is also not eligible for automatic price improvement, and is, instead, automatically executed at the PACE Quote.

Certain limitations regarding automatic price improvement are similar to the current double-up/double-down program.[6] For instance, odd-lot orders would not be eligible for the proposed automatic price improvement.[7] Nor would it be available where the execution price before or after the application of automatic price improvement would be outside of the primary market high/low range of the day. Further, only automatically executable orders would be eligible for automatic price improvement.[8]

Under the proposal, specialists may choose whether to participate in automatic price improvement, as opposed to the mandatory manual double-up/double-down price protection of Rule 229.07(c)(ii).[9] If a specialist elects to provide automatic price improvement, they must further determine whether to price improve in ⅛ or greater markets, or 3⁄16 or greater markets.[10] Necessarily, specialists who choose price improvements in ⅛ wide markets automatically agree to price improve in 3⁄16 or greater markets. However, although choosing automatic price improvement in 3⁄16 or greater markets obviously does not trigger automatic price improvement in ⅛ wide markets, the manual double-up/down price protection provision may be triggered, such that eligible orders would be stopped in ⅛ wide markets; in this situation, no *automatic* price improvement would be given, even in double-up/down situations.[11]

Although the proposed automatic price improvement proposal will be voluntary, all specialists will still be required to provide manual double-up/double-down tick price protection to eligible orders (⅛ markets. This feature provides that eligible orders will be stopped at the PACE Quote when received for an opportunity for price improvement. Automatically executable market orders not eligible for double-up/down price protection will continue to be stopped for the 30 second POES window, and then automatically executed.[12]

The new automatic price improvement feature will replace the current automatic double-up/double-down price improvement feature of Rule 229.07(c)(i). Thus, the Exchange is proposing to retitle Rule 229.07(c) as ''Price Improvement for PACE Orders.'' Further, the Exchange is proposing to delete the term ''double-up/double-down'' when paired with automatic price improvement throughout the Rule to reflect that automatic price improvement will no longer be limited to double-up/double-down situations. The definition of a double-up/double-down situation is thus being moved from Rule 229.07(c)(i)(A) to (c)(ii). The language relating to ¼ wide markets is also proposed to be deleted and replaced with the specialist's choice of 3⁄16 or ⅛ as the minimum market width to activate automatic price improvement; furthermore, price improvement of ⅛ will be replaced with 1⁄16. The language creating an exception to automatic double-up/double-down price improvement better than the last sale will be deleted and replaced with reference to the two situations where an order would not receive the new, proposed automatic price improvement; such orders would be automatically executed at the PACE Quote. Lastly, Rule 229.10(a) would be amended to cover marketable limit orders.

The text of the proposed rule change is available at the Office of the Secretary, CBOE and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

As stated above, PACE is the Exchange's automated order routing and execution system on the equity trading floor. PACE accepts orders for automatic or manual execution in accordance with the provisions of Rule 229, which governs the PACE System and defines its objectives and parameters. The PACE Rule establishes execution parameters for orders depending on type (market or limit), size and the guarantees offered by specialists.

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[6] Securities Exchange Act Release No. 39548 (January 13, 1998), 63 FR 3596 (January 23, 1998) (''Double-Up/Double-Down Order'').

[7] The paragraph concerning odd-lots is being moved from Rule 229.07(c)(i)(B) to (c)(i)(C). Respecting manual price protection, odd-lot orders are specifically addressed in Rule 229.07(c)(ii).

[8] For example, orders exceeding the specialist's automatic execution guarantee size would not be eligible, because the feature depends on automatically improving orders guaranteed a certain automatic execution price.

[9] Specifically, where the specialist does not agree to provide automatic double-up/down price improvement in a security, in any instance where the bid/ask of the PACE Quote is more than ⅛, beginning at 9:45 A.M., the specialist must provide manual double-up/down price protection to all customers and all eligible orders in a security. The manual double-up/down price protection feature causes eligible market and marketable limit orders of 599 shares or less in New York Stock Exchange or American Stock Exchange listed securities received through PACE in double-up/down situations to be stopped at the PACE Quote at the time of entry into PACE. Manual double-up/down price protection does not provide an automatic execution or automatic price improvement. Instead, this feature stops orders to provide an opportunity for manual price improvement in double-up/down situations.

[10] The specialist's choice to provide automatic price improvement, select ⅛ or 3⁄16 markets, establish an order size maximum and switch between the automatic and manual features may be changed, effective the next day. Member organizations entering PACE orders would be notified of such changes.

[11] A double-up/double-down situation is defined as a trade that would be at least: (i) ¼ (up or down) from the last regular way sale on the primary market: or (ii) ¼ from the regular way sale that was the previous intra-day change on the primary market.

[12] *See* Phlx Rule 229.05 and Securities Exchange Act Release No. 39275 (October 8, 1997), 62 FR 54147 (October 17, 1997) (SR–Phlx–97–32). Rule 229.05 provides that round-lot markets orders up to 500 shares and partial round-lot (''PRL'') market orders of up to 599 shares, which combine a round-lot with an odd-lot, are stopped at the PACE Quote at the time of their entry into PACE (''Stop-Price'') for a 30 second delay to provide the specialist with an opportunity to effect price improvement when the spread between the PACE Quote exceeds ⅛ of a point. This feature is known as the Public Order Exposure System (''POES'') window. Further, market orders for more than 599 shares that a specialist voluntarily has agreed to execute automatically also are entitled to participation in POES. If orders eligible for POES are not executed within the POES 30 second window, the order is automatically executed at the Stop Price.

Currently, paragraph (c)(i), Automatic Double-up/Double-down Price Improvement, states that where the specialist voluntarily agrees to provide automatic double-up/double-down price improvements to all customers and all eligible orders in a security, in any instance where the bid/ask of the PACE Quote is ¼ or greater, market and marketable limit orders in New York Stock Exchange or American Stock Exchange listed securities received through PACE in double-up/double-down situations for 599 shares or less shall be provided with automatic price improvement of ⅛, beginning at 9:45 A.M. A specialist may also voluntarily agree to provide automatic double-up/double-down price improvement to larger orders in a particular security to all customers under this provision.

As a further effort to champion the principle of best execution, the Exchange is proposing a more comprehensive automatic price improvement initiative. Specifically, specialists could choose to provide 1/16 automatic price improvement to eligible orders in ⅛ or greater markets, or 3/16 or greater markets. Thus, as compared to the current automatic price improvement feature for double-up/double-down situations which is limited to ¼ wide markets or greater, the universe of orders eligible for the proposed feature would be expanded. Further, the proposal involves automatic price improvement without requiring a double-up/double-down situation. This again expands the benefits of price improvement to a larger universe of eligible orders.

Nevertheless, automatic price improvement would not occur in two situations. First, automatic price improvement would not occur to a price better than the last sale. More specifically, where a buy order would be improved to a price less than the last sale or a sell order would be improved to a price higher than the last sale, the order is not eligible for automatic price improvement, and is, instead, automatically executed at the PACE Quote. The following are examples [13] of this exception (not improving over the last sale):—

23–23⅛
LS 23+ or —
Buy improved to 1/16
Sell executed at 23

23–23⅛
LS ⅛+ or —
Buy executed at ⅛
Sell improved to 1/16

23–23 3/16
LS 23+ or —
Buy improved to ⅛
Sell executed at 23

23–23 3/16
LS 3/16+ or —
Buy executed at 3/16
Sell improved to 1/16

This is similar to the current exception from automatic double-up/double-down price improvement; [14] however, currently, where an improvemed price would be better than the last sale, the order would be stopped at the PACE Quote when received. Under this proposal, the order would be automatically executed at the PACE Quote when received.

Second, where a buy order would be improved to the last sale price which is a down tick, or where a sell order would be improved to the last sale price which is an up tick, the order is also not eligible for automatic price improvement, and is, instead, automatically executed at the PACE Quote. The following are examples of the exception to automatic price improvement respecting improvement to the last sale:

23–23⅛
LS 1/16—
Buy executed at ⅛
Sell improved to 1/16

23–23⅛
LS 1/16+
Buy improved to 1/16
Sell executed at 23

23–23 3/16
LS ⅛—
Buy executed at 3/16
Sell improved to 1/16

23–23 3/16
LS ⅛+
Buy improved to ⅛
Sell improved to 1/16

23–23 3/16
LS 1/16 —
Buy improved to ⅛
Sell improved to 1/16

23–23 3/16
LS 1/16+
Buy improved to ⅛
Sell executed at 23

23–23¼
LS⅛+or—
Buy improved to 3/16
Sell improved to 1/16

These exceptions are intended to cover situations where automatic price improvement may not be appropriate in light of overall market conditions. In this regard, the Exchange does not believe it is customary or appropriate to provide price improvement over the last sale price, or, in every case, to the last sale price. Price improvement generally takes the form of stopping orders, where the next sale price can benefit the stopped order; the last sale price also serves as a measure against the stop price.[15] Despite these exceptions to automatic price improvement under this proposal, the Exchange believes that automatic price improvement would be afforded in a meaningful way, considering the wider breadth of eligible orders.

This proposal would result in automatic price improvement of 1/16, as opposed to the current automatic double-up/double-down price improvement, which provides for ⅛ price improvement. Although the amount of automatic price improvement will be less under the proposal for a particular order, the number of orders receiving price improvement of 1/16 should increase, as explained above. Price improvement of 1/16 recognizes that 1/16 is the current minimum trading increment for PACE issues on the Exchange's equity trading floor.[16] Thus, it reflects the reality of today's marketplace, including other price improvement initiatives in the industry.

Because the proposal would provide automatic price improvement, no POES window would occur, similar to the current automatic double-up/double-down price improvement provision.[17] Instead, an automatic execution occurs at an improved price, with no window, timer or delay. Orders not eligible for automatic price improvement due to the two exceptions relating to the last sale price are automatically executed at the PACE Quote and not subject to the

[13] These examples consist of the PACE Quote, the last sale price with an up or down tick indicator, and the price at which a buy and sell order, respectively, would be executed.

[14] *See* Securities Exchange Act Release No. 39640 (February 10, 1998), 63 FR 8510 (February 19, 1998), which creates an exception where such price improvement would be better than the last sale price (for instance, a buy order would be improved to a price less than the last sale or a sell order would be improved to a price higher than the last sale); pursuant to this exception, such orders are stopped by the specialist at the PACE Quote when received, meaning that the order is guaranteed to receive at least that price by the end of the trading day.

[15] In this regard, the Exchange notes that automatic price improvement on the Chicago Stock Exchange ("CHX") does not consist of price improvement over the last sale. See CHX Article XX, Rule 37.

[16] See Phlx Rule 125.

[17] See Double-Up/Double-Down Order, *supra* note 6, at note 10 and Securities Exchange Act Release No. 39640 (February 10, 1998), 63 FR 8510 (February 19, 1998).

POES delay. Where an order is otherwise not eligible for the proposed automatic price improvement, the POES window may apply.

Automatic price improvement will not occur where the execution price before or after the application of automatic price improvement would be outside the primary market high/low range for the day, if so elected by the entering member organization. This limitation currently appears in Rule 229.07(c)(i)(C), and has applied to both automatic double-up/double-down price improvement and manual double-up/double-down price protection. Similarly, pursuant to paragraph (c)(iii), the provision that member organizations entering orders may elect to participate in manual double-up/double-down price protection continues to apply. However, member organizations will not have the ability to elect the proposed automatic price improvement feature.

Currently, both the automatic double-up/double-down price improvement and manual price protection features are jointly subject to the entering firm's election.[18] As a result, electing these features where the specialist has not chosen automatic double-up/double-down price improvement in that security may currently cause a firm's orders to be stopped. Thus, firms who do not want their orders stopped because they prefer a prompt execution can currently elect out of both features.

Once automatic price improvement is no longer limited to double-up/double-down situations, the election for automatic price improvement will end, because the reason for allowing a firm's choice will no longer exist. Under this proposal, firms electing out of manual price protection could nevertheless receive automatic price improvement. For instance, where a specialist switches from manual to automatic price improvement for a security, the automatic feature would be activated even for firms that elected out of the manual feature. This proposal results in an assumption, and thus requirement, that all entering firms accept automatic price improvement from a participating specialist.[19]

The Exchange notes that the manual double-up/double-down price protection provision, which is mandatory for specialists, will continue to be subject to an election by entering member organizations,[20] who may continue to prefer a prompt execution over the opportunity for price improvement. Failure to elect will result in the activation of the double-up/double-down feature for that User. Specialists continue to determine whether to provide automatic price improvement in a particular security.

The extraordinary circumstances provision currently in the Rule would also apply to the new feature, such that automatic price improvement may be disengaged in a security or floor-wide in extraordinary circumstances with the approval of two Floor Officials. In addition to fast market conditions, for purposes of this paragraph, extraordinary circumstances also include systems malfunctions and other circumstances that limit the Exchange's ability to receive, disseminate or update market quotations in a timely and accurate manner.

The Exchange has determined that, as with many PACE features and participation in the PACE System itself, automatic price improvement should be made available on a voluntary, symbol-by-symbol basis, so that specialists can determine which securities are suitable for the program.[21] The availability of a price improvement feature benefits the specialist function, especially in high-volume securities, where stopping orders and manual intervention are time-consuming, delay execution and do not necessarily result in price improvement. The proposed feature triggers a superior result—an immediate automatic execution, with no specialist intervention or delay.

2. Statutory Basis

The Exchange represents that the proposed rule change is consistent with Section 6(b)(5) of the Act[22] in that it is designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national market system, as well as to protect investors and the public interest by providing an opportunity for automatic price improvement to eligible orders. In approving the existing price improvement/protection program, the Commission noted that price improvement opportunities may enhance intermarket competition and order execution quality.[23]

The Exchange also believes that the proposal is consistent with Section 11A[24] of the Act, and paragraph (a)(1)[25] thereunder, which encourages the use of new data processing and communication techniques that create the opportunity for more efficient and effective market operations. Specifically, the proposal is consistent with the public interest and investor protection purposes of Section 11A, in that it should assure the practicability of executing customer orders in the best market as well as an opportunity for investors' orders being executed without the participation of a dealer.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reason for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve the proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule

[18] This election must be made for all Phlx stocks, not security-by-security. See Double-Up/Double-Down Order, *supra* note 6, at note 22.

[19] The Exchange believes that it is typical of competitors' automatic price improvement initiatives not to allow an opt-out.

[20] A firm's election continues to apply to all Phlx stocks, not security-by-security.

[21] Some securities are not appropriate for automatic price improvement due to, for instance, liquidity, trading patterns and volatility situations rendering it unfair for specialists to afford price improvement automatically and then manage the resulting positions. See Double-Up/Double-Down Order, *supra* note 6, at note 11.

[22] 15 U.S.C. 78f(b)(5).

[23] See Double-Up/Double-Down Order, *supra* note, 6.

[24] 15 U.S.C. 78k–1.

[25] 15 U.S.C. 78k–1(a)(1).

change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to File No. SR–Phlx–98–10 and should be submitted by April 7, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[26]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6763 Filed 3–16–98; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–39741; File No. SR–PHLX–98–03]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change and Amendment No. 1 to the Proposed Rule Change by the Philadelphia Stock Exchange, Inc., Relating to Disputes and Floor Official Rulings

March 11, 1998.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on January 22, 1998, the Philadelphia Stock Exchange, Inc. (''PHLX'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the PHLX.[2] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PHLX proposes to amend its rules by (1) replacing the current text of PHLX Rule 124, ''Disputes,'' with new text; and (2) adopting Floor Procedure Advice (''Advice'') F–27, ''Floor Official Rulings—Options'' and Advice F–27, ''Floor Official Rulings—Equity,'' (together, the ''Advices''), which incorporate and expand upon the provisions of proposed PHLX Rule 124 and will appear in the PHLX's Floor Procedure Advice Handbook. Proposed PHLX Rule 124(a) will allow floor officials to resolve trading disputes occurring on and relating to the trading floor if the dispute is not settled by agreement between the interested members or by a vote of members with knowledge of the transaction. In resolving trading disputes, a floor official may direct the execution of an order on the floor or adjust the transaction terms or participants to an executed order. In addition, two floor officials may nullify a transaction under certain circumstances.[3] Proposed PHLX Rule 124(b) states that all floor official rulings, including rulings made pursuant to PHLX Rule 60, ''Assessments for Breach of Regulations,'' and pursuant to the PHLX's minor rule violation enforcement and reporting plan (''minor rule plan''),[4] are effective immediately and must be complied with promptly. Proposed PHLX Rule 124(c) states that floor officials' rulings issued pursuant to the PHLX's Order and Decorum Regulations are reviewable pursuant to PHLX Rule 60, and floor officials' rulings issued pursuant to Floor Procedure Advices are reviewable pursuant to PHLX Rule 970. All other floor officials' rulings are reviewable pursuant to proposed PHLX Rule 124(d), which addresses trading disputes. Among other things, the proposed Advices contain a conflict of interest provision which states that a floor official should not render a decision or authorize a citation where the floor official was involved in or affected by the dispute, or in any situation where the floor official is not able to objectively and fairly render a decision. The conflict of interest provision applies to all rulings by floor officials.

Copies of the proposed rule change are available at the Office of the Secretary, PHLX, and at the Commission.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PHLX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PHLX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The PHLX proposes to codify its procedures regarding floor officials' rulings by replacing the current text of PHLX Rule 124 with a new PHLX Rule 124 and adopting two Advices, which will be published in the PHLX's Floor Procedure Advice handbook.

PHLX Rule 124, as amended, will: (1) State that trading disputes not settled by the trading crowd may be referred to a PHLX floor official, define a floor official's duties, and establish procedures for reviewing floor officials' rulings in connection with trading disputes; and (2) require prompt compliance with all rulings by floor officials and establish a conflict of interest procedure applicable to all rulings by floor officials.

Proposed PHLX Rule 124(a) provides that disputes occurring on and relating to the trading floor, if not settled by agreement between the interested members, shall be settled, if practicable,

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[26] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] On March 3, 1998, the PHLX amended the filing. See Letter from Linda S. Christie, Counsel PHLX, to Yvonne Fraticelli Attorney, Office of Market Supervision, Division of Market Regulation, Commission, dated March 3, 1998 (''Amendment No. 1''). In Amendment No. 1, the PHLX modified the text of proposed PHLX Rule 124 to indicate that two options floor officials (rather than one floor official) may nullify a transaction if they determine that the transaction violated any of the following PHLX Rules: 1014, ''Obligations and Restrictions Applicable to Specialists and ROTs;'' 1015, ''Quotation Guarantees;'' 1017, ''Priority and Parity at Openings in Options;'' 1033, ''Bids and Offers—Premium;'' or 1080, ''PHLX Automated Options Market (AUTOM) and Automatic Execution System (AUTO–X).'' The amendment also states that two equity floor officials (rather than one floor official) may nullify a transaction if they determine that the transaction violated any of the following PHLX Rules: 110, ''Bids and Offers—Precedence;'' 111, ''Bids and Offers Binding;'' 118, ''Bids and Offers Outside Best Bid and Offer;'' 119, ''Precedence of Highest Bid;'' 120, ''Precedence of Offers at Same Price;'' 126, '' 'Crossing' Orders;'' 203, ''Agreement of Specialists;'' 218, ''Customer's Order Receives Priority;'' 229, ''Philadelphia Stock Exchange Automated Communication and Execution System (PACE);'' 232, ''Handling Orders When the Primary Market is Not Open for Free Trading (EXP, PPS, GTX Orders);'' or 455; ''Short Sales.'' Originally, proposed PHLX Rule 124 stated that a floor official may nullify an executed order on the Exchange floor. However, two proposed Floor Procedure Advices submitted as part of the proposal indicated that nullification of a transaction requires action by two floor officials. Amendment No. 1 makes the text of proposed PHLX Rule 124 consistent with the two proposed Floor Procedure Advices by indicating that two floor officials, rather than one floor official, may nullify a transaction if the floor officials determine that the transaction violated one of the PHLX rules enumerated in the proposed Floor Procedure Advices.

[3] See Amendment No. 1, *supra* note 2.

[4] See PHLX Rule 970, ''Floor Procedure Advice: Violations, Penalties, and Procedures.''

by vote of the members knowing of the transaction; if not so settled, the disputes shall be settled by a floor official summoned to the trading crowd. In resolving trading disputes, floor officials may institute the course of action deemed to be most fair to all parties under the circumstances at the time. A floor official may direct the execution of an order on the floor or adjust the transaction terms or participants to an executed order. In addition, two floor officials may nullify an executed order on the floor under certain circumstances.[5] The proposed Advices state that floor officials need not render decisions unless the request for a ruling is made within a reasonable period of time.

Proposed PHLX Rule 124(b) states that all rulings rendered by floor officials are effective immediately and must be complied with promptly. Failure to comply promptly with a ruling concerning a trading dispute may result in a referral to the PHLX's Business Conduct Committee (''BCC''). Failure to comply with floor officials' rulings issued pursuant to the PHLX's Order and Decorum Regulations (PHLX Rule 60), or pursuant to Floor Procedure Advices (PHLX Rule 970), and not concerning a trading dispute, may result in an additional violation of that regulation or Floor Procedure Advice. For example, a first violation due to disorderly conduct that does not cease promptly after the violation is issued by a floor official would result in a second violation, also for disorderly conduct.

Proposed PHLX Rule 124(c) identifies the procedures for review of floor officials' rulings. Specifically, proposed PHLX Rule 124(c) states that floor officials' rulings issued under the PHLX's Order and Decorum Regulations are reviewable pursuant to PHLX Rule 60. Floor officials' rulings issued under Floor Procedure Advices are reviewable pursuant to PHLX Rule 970. All other floor officials' rulings, including those regarding trading disputes, are reviewable pursuant to the procedures established in proposed PHLX Rule 124(d).

Under proposed PHLX Rule 124(d), floor officials' rulings for options and foreign currency option (''FCO'') trading are reviewable by a minimum of three members of the appropriate Subcommittee on Rules and Rulings, a subcommittee of the standing floor committee, which shall be empowered by the standing floor committee to review such rulings, or the Chairperson of the standing committee (or his designee) if three Subcommittee members cannot be convened promptly. With respect to equity trading, floor officials' ruling are reviewable by a minimum of three members of the Floor Procedure Committee, or the Chairperson of the Floor Procedure Committee (or his designee) if three members cannot be convened promptly. This will be the designated Review Panel for floor officials' rulings.

Proposed PHLX Rule 124(d) also allows the Exchange to establish the procedures for the submission of a request for a review of a floor official's ruling. Floor officials' rulings may be sustained, overturned, or modified by a majority vote of the Review Panel members present. In making the determination, the Review Panel may consider facts and circumstances not available to the ruling floor official as well as action taken by the parties in reliance on the floor official's ruling (*e.g.*, cover, hedge, and related trading activity). Decisions of the Review Panel are final and may be appealed to the PHLX's Board of Governors as a final decision of the standing floor committee delegating such power, pursuant to PHLX By-Law Article XI, ''Appeals.''

In codifying proposed PHLX Rule 124, the proposed Advices contain many of the same provisions as the proposed rule. In addition, the proposed Advices state that a floor official should not render a decision or authorize a citation where the floor official is not able to objectively and fairly render a decision. Floor officials are empowered to render rulings on the trading floor to resolve trading disputes occurring on and respecting activities on the trading floor. Floor officials shall endeavor to be prompt in rendering decisions. However, in any instance where a floor official has determined that the benefits of further discovery as to the facts and circumstances of any matter under review outweigh the monetary risks of a delayed ruling, the floor official may determine to delay rendering the ruling until such time as that further discovery is completed. In issuing decisions for the resolution of trading disputes, floor officials shall institute the course of action deemed by the ruling floor official to be most fair to all parties under the circumstances at the time.

The proposed Advices also state that a floor official may direct the execution of an order on the floor, or adjust the transaction terms or participants to an executed order on the floor. However, two equity floor officials may nullify a transaction if they determine that the transaction violated any of the following PHLX Rules: 110, ''Bids and Offers—Precedence;'' 111, ''Bids and Offers Binding;'' 118, ''Bids and Offers Outside Best Bid and Offer;'' 119, ''Precedence of Highest Bid;'' 120, ''Precedence of Offers at Same Price,'' 126, ''Crossing'' Orders;'' 203, ''Agreement of Specialists;'' 218, ''Customer's Order Receives Priority;'' 229, ''Philadelphia Stock Exchange Automated Communication and Execution System (PACE);'' 232, ''Handling Orders When the Primary Market is Not Open for Free Trading (EXP, PPS, GTX Orders);'' or 455, ''Short Sales.''

With respect to option or FCO trading, two floor officials may nullify a transaction if they determine the transaction violated any of the following PHLX Rules: 1014, ''Obligations and Restrictions Applicable to Specialists and ROTs;'' 1015, ''Quotation Guarantees;'' 1017, ''Priority and Parity at Openings in Options,'' 1033, ''Bids and Offers-Premium;'' or 1080, ''PHLX Automated Options Market (AUTOM) and Automatic Execution System (AUTO–X).''

The proposed Advices note that floor officials' rulings may be appealed and that requests for such review must be submitted to the Director of the PHLX's Market Surveillance Department (or his designee) within 15 minutes from the time the contested ruling was rendered. The reviewing committee shall endeavor to meet on the matter as soon as practicable after notice of a request for a review of the floor official's ruling. Neither floor officials' rulings or reviews of floor officials' rulings preclude a person from seeking redress from the Exchange's arbitration facilities.[6]

In summary, the PHLX's proposal consists of amendments to PHLX Rule 124 and the adoption of two versions of Advice F–27, one for equity trading and one for options and FCO trading. The text of proposed Advice F–27, applicable to the equity floor varies slightly from that dealing with options in that it contains references to specific equity, as opposed to option, trading rules. The proposed Advices will appear in the Exchange's Floor Procedure Advice handbook, although no fine schedule will apply. The trading floor membership will be notified of these procedures by way of a memorandum and the proposal will take effect upon notice to the membership.

Current PHLX Rule 124 provides that disputes arising on bids or offers, if not settled by agreement between the interested members, shall be settled, if practicable, by votes of the members knowing of the transaction; if not so settled, the disputes will be settled by the appropriate floor standing

[5] See Amendment No. 1, *supra* note 2.

[6] *See* PHLX Rule 950, ''Arbitration.''

committee,[7] whose authority to settle disputes derives from the Exchange's By-Laws.[8] In practice, the FCO Committee and the Options Committee have delegated this authority to their respective Subcommittees on Rules and Rulings, and, further, to the floor officials who comprise those subcommittees.[9] For equity trading, the Floor Procedure Committee, the standing committee, continues to settle disputes and the floor officials for that trading floor are Floor Procedure Committee members.

Currently, when a dispute arises in a trading crowd, a floor official may be summoned to resolve it. If a party to the dispute disagrees with a floor official's resolution, that party may request a review of the floor official's ruling. PHLX floor officials also may authorize citations for violations of Floor Procedure Advices pursuant to the PHLX's minor rule plan.[10] In addition, floor officials may impose assessments for violations of the Exchange's Order and Decorum Regulations. Thus, the PHLX's proposal covers all floor official decisions, whether pertaining to Floor Procedure Advices, Order and Decorum Regulations, or trading disputes in general, except that the review process, set forth in proposed PHLX Rule 124(d), pertains only to trading disputes. The review process for violations of the Floor Procedure Advices pursuant to PHLX Rule 970 involves the PHLX's BCC Rule 60 governs the review process for violations of the PHLX's Regulations of Order and Decorum.

The PHLX proposes to amend PHLX Rule 124 to incorporate the dispute procedures and the role of floor officials expressly into the rule to enable interested persons to refer directly to the Exchange's rule book for the provisions governing disputes. For the same reason, the PHLX proposes to adopt the Advices, so that the procedures for handling trading disputes and other rulings will appear in the Exchange's Floor Procedure Advice handbook.[11]

In codifying the role of floor officials and the procedure for issuing rulings, including the ability of floor officials to adjust, direct or nullify trades, the proposal also codifies the use of certain standing floor committees' Subcommittees on Rules and Rulings, comprised of floor officials, to review floor officials' trading dispute decisions, as explained above. The procedure for review of floor officials' rulings also is enumerated, including a 15-minute deadline for requesting a review and a guideline that the review take place as soon as practicable.[12] With respect to the ability of two floor officials to nullify trades, the Exchange believes that listing specific rules should guide floor officials in deciding which situations warrant this measure.[13] Thus, two versions of Advice F–27 are proposed, one for the options and FCO floors and one for the equity floor, each specifically listing the rules that may trigger the need to nullify a trade. These rules predominately pertain to trading procedures and parity/priority principles.

2. Statutory Basis

The PHLX believes that the proposed rule change is consistent with Section 6 of the Act, in general, and, in particular, with Section 6(b)(5), in that it is designed to promote just and equitable principles of trade, prevent fraudulent and manipulative acts and practices, and protect investors and the public interest. Specifically, the PHLX believes that the codification of the procedures respecting floor officials' rulings should promote fairness, certainty, and integrity in the process of resolving disputes. The Exchange believes that the proposal concerning floor officials' rulings also is consistent with Section 6(b)(6) of the Act as well as due process principles in that its members and associated persons shall be appropriately disciplined for violations of PHLX rules, in accordance with the proposed procedures respecting floor officials' rulings. In addition, floor officials' rulings may be appealed to a Review Panel, and, thereafter, to the PHLX's Board of Governors, consistent with PHLX By-Law XI, which authorizes appeals from standing committee decisions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The PHLX does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No comments were solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will by order approve such proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submission's should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC, 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference

[7] The appropriate floor standing committee for the equity floor is the Floor Procedure Committee; the appropriate floor standing committee for the equity options and index options floor is the Options Committee; and the appropriate floor standing committee for the FCO floor is the FCO Committee.

[8] See PHLX By-Law Article X, ''Standing Committees,'' Sections 10–16, ''Floor Procedure Committee;'' 10–17, ''FCO Committee;'' and 10–19, ''Options Committee.''

[9] The authority to establish sub-committees appears in paragraph (b) of PHLX By-Law X, Section 10–3, ''Proceedings of Special and Standing Committees.''

[10] The PHLX's minor rule plan, codified in PHLX Rule 970, contains Floor Procedure Advices with accompanying fine schedules. Rule 19d–1(c)(2) under the Act authorizes national securities exchanges to adopt minor rule violation plans for summary discipline and abbreviated reporting. Rule 19d–1(c)(1) under the Act requires prompt filing with the Commission of any final disciplinary action. However, minor rule violations not exceeding $2,500 are deemed not final, thereby permitting periodic, as opposed to immediate, reporting.

[11] The PHLX proposes no fine schedule for the proposed Advices such that the Exchange's minor rule plan is not impacted at this time.

[12] The PHLX notes that these deadlines would apply to the extent practicable under the circumstances, particularly if convening a Review Panel proves to be difficult due to the time of day, heavy trading volume, or scheduling conflicts. In addition, respecting options trading, for example, the obligations respecting the maintenance of a fair and orderly market contained in PHLX Rule 1014, including market liquidity, as well as the due diligence requirements of PHLX Rule 1063 applicable to floor brokers, may prevail over the obligation of a floor official to provide a ruling or attend a review.

[13] The Exchange notes that the ability to nullify a transaction is similar to CBOE Rule 6.20, ''Admission to and Conduct on the Trading Floor,'' Interpretation and Policy .05.

Room. Copies of such filing will also be available for inspection and copying at the principal office of the PHLX. All submissions should refer to File No. SR–PHLX–98–03 and should be submitted by April 7, 1998.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 98–6765 Filed 3–16–98; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 3501, *et seq.*) this notice announces that the Department of Transportation has submitted an emergency processing public information collection request (ICR) to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (Pub. L. 104–113, 44 U.S.C. Chapter 35). OMB approval has been requested by March 31, 1998. The ICR abstracted below describes the nature of the information collection and it's burden.

DATES: Comments on this notice must be received on or before April 17, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Marshall Schy, Federal Highway Administration (HRE–10); Department of Transportation, 400 Seventh St. SW., Washington, DC 20590 at (202) 366–2035.

SUPPLEMENTARY INFORMATION:

Office of the Secretary

Title: Uniform Relocation Assistance and Real Property Acquisition Regulations for Federal and Federally Assisted Programs.

OMB Control Number: 2105–0508.

Affected Public: Federal, State, and Local government; individuals, households, businesses, farms, not-for-profit institutions.

Abstract: The regulations implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (49 CFR 24.9), require covered agencies to maintain adequate records of acquisition and relocation activities under the Act. In addition, the Federal Highway Administration requires the 52 state highway agencies carrying out the Federal-aid highway program to report their Uniform Act acquisition and relocation activities once every third year. The latest ICR authorizing burden hours for these activities has expired. Therefore, the Department of Transportation is seeking emergency clearance to reinstate approval to collect the afore-mentioned information.

Estimated Annual Burden Hours: 29,000 hours.

Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention DOT Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Issued in Washington, DC, on March 11, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–6886 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and approval. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments was published on October 21, 1997 [FR 62, 54679].

DATES: Comments must be submitted on or before April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, U.S. Coast Guard, Office of Information Management, telephone (202) 267–2326.

SUPPLEMENTARY INFORMATION:

United States Coast Guard

Title: Carriage of Bulk Solids Requiring Special Handling.

OMB No.: 2115–0100.

Form(s): N/A

Affected Public: Solid Bulk Cargo Vessel/Barge Owners or Operators.

Abstract: The information required to be submitted when applying for a Special Permit allows the Coast Guard to make a determination as to the severity of the hazard posed by the material, allows specific guidelines for safe carriage, or if determined that the material presents too great a hazard, to deny permission for shipping the material. The U.S. Coast Guard administers and enforces laws and regulations for the safe transportation and stowage of hazardous materials, including bulk solids. Under 46 CFR part 148, the Coast Guard has the authority to issue Special Permits for transportation and stowage of hazardous material on board vessels.

Burden Estimate: The estimated burden is 575 hours annually.

Addressee: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention USCG Desk Officer.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication.

Comments are invited on: The need for the proposed collection of information for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of the burden of the proposed collection of information including the validity of the methodology and assumptions used; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

[14] 17 CFR 200.30–3(a)(12).

Issued in Washington, DC, on March 11, 1998.

Phillip A. Leach,

Clearance Officer, U.S. Department of Transportation.

[FR Doc. 98–6887 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on January 2, 1998 [6 FR 123].

DATES: Comments must be submitted on or before April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Vining, Office of Motor Carrier Information Analysis, (202) 358–7028, Federal Highway Administration, Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday, except Federal holidays.

Electronic Availability: An electronic copy of this document may be downloaded using a modem and suitable communications software from the **Federal Register** electronic bulletin board service (telephone number: 202–512–1661). Internet users may reach the **Federal Register's** WWW site at: http://www.access.gpo.gov/su<INF>--</INF>docs

SUPPLEMENTARY INFORMATION:

Federal Highway Administration (FHWA)

Title: Revision of Licensing Application Forms, Application Procedures, and Corresponding Regulations.

OMB Number: 2125–0568.

Type Request: Extension of a currently approved collection.

Form(s): OP–1, OP–1(P), OP–1(FF).

Affected Public: Motor carriers, freight forwarders, and brokers.

Abstract: The Secretary of Transportation is authorized to register for-hire motor carriers of regulated commodities under the provisions of 49 U.S.C. 13902, surface freight forwarders under the provisions of 49 U.S.C. 13903, and property brokers under the provisions of 49 U.S.C. 13904. These persons may conduct transportation services only if they are registered. 49 U.S.C. 13901. Authority pertaining to these registrations has been delegated to the FHWA, and related regulations are found at 49 CFR part 365. Forms OP–1 (for motor property carriers and brokers), OP–1(P) (for motor passenger carriers), and OP–1(FF) (for freight forwarders) are used to apply for registration with the FHWA. The forms all ask for limited information on the applicant's identity, location, familiarity with safety requirements, and type of proposed operations. Minor differences in each form reflect specific statutory standards for registration of the different types of transportation entities.

Estimated Total Annual Burden: The estimated total annual burden is 36,000 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FHWA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publishing in the **Federal Register**.

Issued in Washington, DC, on March 9, 1998.

Phillip A. Leach,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–6888 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Reports, Forms and Recordkeeping Requirements Agency Information Collection Activity Under OMB Review

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on December 10, 1997, [62 FR 65123].

DATES: Comments must be submitted on or before April 16, 1998.

FOR FURTHER INFORMATION CONTACT: Judith Street, ABC–100; Federal Aviation Administration; 800 Independence Avenue, SW.; Washington, DC 20591; Telephone number (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Office of Rulemaking Request for Evaluation of Customer Standards Survey.

OMB Control Number: 2120–0623.

Type of Request: Extension of currently approved collection.

Affected Public: 325 individuals/businesses who have applied for exemptions.

Abstract: This information is being conducted to comply with the Executive Order 12862, Setting Customer Service Standards. The information will be used to evaluate agency performance in the area of response to exemptions. The completion of this form is voluntary and the information will be conducted anonymously.

Annual Estimated Burden Hours: 81 hours.

ADDRESSES: Send comments to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725–17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will

have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility and clarity of the information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, D.C. on March 11, 1998.

Vanester M. Williams,

Clearance Officer, United States Department of Transportation.

[FR Doc. 98–6890 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–1998–3584]

Proposed Modernization of the Coast Guard National Distress System

AGENCY: Coast Guard, DOT.

ACTION: Notice of intent to prepare an environmental assessment; and request for public comment.

SUMMARY: The United States Coast Guard (USCG) is seeking early public input on their proposed action to modernize the National Distress System (NDS), a major portion of their Short Range Communications System (SRCS). To more effectively accomplish maritime safety, maritime law enforcement, national security, and marine environmental protection, the USCG needs a more efficient, modern, and technologically advanced system than the current NDS.

In accordance with the National Environmental Policy Act, the Coast Guard intends to prepare a programmatic environmental assessment (EA) on the viable alternatives for achieving a more modern and effective system. The environmental assessment will examine the reasonable alternatives available to the USCG to fulfill their need for an efficient, modern, and technologically improved National Distress System and whether any alternatives have the potential for significant environmental impacts. At this time, the USCG does not have a preferred alternative.

Specifically, we are requesting input on any environmental concerns you may have related to the existing NDS or to alternatives for achieving a modernized system, suggested analyses or methodologies for inclusion in the EA, possible sources of relevant data or information, or other alternatives not included in this notice.

DATES: Comments must be received by 13 April 1998.

ADDRESSES: You may mail comments to the Docket Management Facility, [USCG–1998–3584], U.S. Department of Transportation, Room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001, or deliver them to room PL–401, located on the Plaza Level of the Nassif Building at the same address between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number to the Docket Management Facility is (202) 366–9329.

The Docket Management Facility maintains the public docket for this notice. Comments, and documents as indicated in this preamble, will become part of this docket and will be available for inspection or copying at room PL–401, located on the Plaza Level of the Nassif Building at the above address between 9:30 a.m. and 2 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Muslin, telephone: (619) 532–3403, for questions concerning this notice, the proposed modernization project, or the associated EA. For questions concerning the Docket Management Facility contact Paulette Twine, Chief, Documentary Services Division, U.S. Department of Transportation, telephone (202) 366–9329.

SUPPLEMENTARY INFORMATION:

Request for Comments

The Coast Guard encourages your participation in the environmental analysis of the proposed NDS modernization by the submission of written data, views, or arguments. Your comments should include your name and address, and identify this notice [USCG–1998–3584] and the specific section of the notice to which each comment applies, along with the reason for each comment. Please submit all comments and attachments in an unbound format, no larger than 8½ by 11 inches, suitable for copying and electronic filing to the DOT Docket Management Facility at the address under **ADDRESSES**. If you want acknowledgment of receipt of your comment, enclose a stamped, self-addressed postcard or envelope.

The Coast Guard will consider all comments received during the comment period.

The Coast Guard plans no public hearing. You may request a public hearing by submitting a request to the address under **ADDRESSES**. The request should include the reasons a hearing would be beneficial. If the Coast Guard determines that oral presentations are crucial to the preparation of the EA, and will significantly aid in environmental planning for the proposal, it will hold a public hearing at a time and place announced by a later notice in the **Federal Register**.

Background

The NDS forms the backbone of the Coast Guard's Short Range Communication System (SRCS) which supports Coast Guard Activity, Group, Marine Safety Office (MSO), Vessel Traffic Service (VTS), Air Station, Cutter and Station operations. As part of the SRCS, the National Distress System incorporates the use of VHF–FM radios to provide two-way voice communications coverage for the majority of Coast Guard missions in coastal areas and navigable waterways where commercial and recreational traffic exists. The system, consisting of approximately 300 remotely controlled VHF transceivers and antenna high-level sites, was originally intended for monitoring the international VHF–FM maritime distress frequency (Channel 16), and as the primary command and control network to coorindate Coast Guard search and rescue (SAR) response activities. The secondary function was to provide command, control, and communications for the Coast Guard missions of National Security, Maritime Safety, Law Enforcement, and Marine Environmental Protection.

Need for Action

Due to the following deficiencies present in the current system, the Coast Guard has identified a need for an efficient, modern, more technologically advanced National Distress System than the one currently in place:

Obsolete/Nonstandard Equipment. The NDS was originally put into service in the 1970's and now suffers from technological obsolescence. Much of the existing equipment is no longer commercially available off-the-shelf and is becoming increasingly difficult to support. The expected service life of electronic equipment installed during this period was 15 years. Equipment failures have necessitated the replacement of many system components that are no longer commercially available, resulting in a lack of standardization. Costly short-term fixes such as individual off-the-shelf purchases of equipment (e.g., new command modules, recording and playback equipment, direction finding receivers, cellular phones, and Digital Encryption Standard (DES) radios) and services are being applied in the field to

marginally sustain the current system. The result is a collection of nonstandard and difficult to maintain equipment.

Coverage Gaps. The current NDS was intended to provide coverage extending out to approximately 20 nautical miles from shore. The present system does not provide complete coverage of the continental U.S. coastal areas, bays, inlets, and river systems. Presently there are over 65 verified gaps and numerous localized coverage deficiencies identified by local operational commanders.

Inadequate Channel Capacity. Twenty years of expanding CG mission requirements have also added to the traffic load, far exceeding the capacity of the original design. The NDS now suffers from inadequate channel capacity especially during multiple simultaneous operations and ''surge'' operations. The system does not have a sufficient number of channels or adequate channel capacity to allow the Coast Guard to respond to crisis operations and provide sufficient voice channel and communications capacity to support multiple Coast Guard operations. When the Coast Guard is transmitting on the system, we are unable to adequately monitor the VHF–FM international distress frequency at the same time.

No Digital Selective Calling Capability. Recent amendments to the International Maritime Organization (IMO) Safety Of Life At Sea (SOLAS) agreements concerning the Global Maritime Distress and Safety System (GMDSS) require that SOLAS-class vessels carry Digital Selective Calling (DSC) equipped VHF–FM radios by 1 February 1999. These vessels will no longer be required to monitor Channel 16 at sea after February 2005, and will increasingly be using Channel 70 VHF–FM (DSC only) as the international VHF–FM distress and calling channel after February 1999. Additionally, DSC equipment may be used by any vessel voluntarily. The current NDS does not have DSC capability which will result in the Coast Guard becoming increasingly unable to communicate with large segments of the maritime industry/public on international VHF–FM distress frequencies.

Not Adequately Reliable During/After Natural Disasters. The current NDS is extremely susceptible to catastrophic failure during a major natural disaster. A failure to any part of the system will in many cases result in loss of communication in wide areas of the system's advertised coverage. The system cannot restore key operational links and system components within a reasonable period following a failure. The system does not provide adequate backup power to critical and primary communications system components.

No Interface with Rest of the Coast Guard Telecommunication System. The current NDS has no interface with our Long Range Communications System (LRCS), our data network, nor the Pubic Switched Telephone Network (PSTN). These deficiencies decrease the Coast Guard's ability to effectively conduct its missions.

Inadequate Transmission Security. The system is severely limited in its ability to protect communications when transmitting sensitive information. This is key while conducting many Coast Guard missions (e.g., law enforcement, search and rescue, pollution response). Security of internal Coast Guard transmissions is mandated by National Security Decision Directive 145 (NSDD 145), Presidential Directive 24 (PD 24), and their follow-on directive, National Security Directive 42 (NSD 42).

Inadequate Communications with Public Safety and Other Agencies. Essential communications with other Federal, State, and local agencies are often hindered or unavailable due to lack of compatible communications equipment.

Poor Position Locating Capability. The system cannot adequately pinpoint the location of a caller and, therefore, is limited in its ability to aid in search for vessels or survivors that do not report, do not know, or incorrectly report, their position, nor can it adequately assist in locating hoax originators.

Limited Data Capability. The system also has limited ability to transmit or obtain information regarding marine safety, environmental monitoring/compliance, intelligence information, or information to and from mariners and others. Such information could include situational and operational reports, automated Coast Guard asset tracking, transmission of search and rescue (SAR) or law enforcement information, and marine safety broadcasts.

Poor Caller Verification Assistance and Recording Capability. Finally, the system does not have capability to adequately record and instantly playback incoming voice transmissions to aid immediate responses and for record purposes.

Purpose of the Proposed Action

The purpose of the proposed action is to provide an efficient, cost-effective, and technologically adequate National Distress System that rectifies the deficiencies listed previously and adequately supports Coast Guard Activity, Group, Marine Safety Office (MSO), Vessel Traffic Service (VTS), Air Station, Cutter, and Station operations.

Alternatives

The Coast Guard's proposed action is to modernize the current obsolete and nonstandard NDS by adopting one of the general concepts for a new system presented in alternatives B, C or D listed below. Alternative A (Status Quo or no action) will not fulfill the stated need; however, it will be analyzed in the EA to provide a baseline for comparison with the action alternatives. Currently, the Coast Guard does not have a preferred alternative among B, C or D. The following alternatives are being considered in the EA:

Alternative A—Status Quo. Continue operations with existing network of analog transceivers. Provide logistics support as needed and as available.

Alternative B—Upgrade Status Quo. Systematically upgrade existing network with modern analog transceivers. Integrate DSC, digital encryption standard (DES), and digital recording equipment. This alternative replaces old equipment with new equipment and adds additional radio capability. Adding position location and filling coverage gaps is also desired. It is expected that fulfilling these last two requirements will require additional antenna sites.

Alternative C—Dual Mode VHF and/or UHF Network. Replace existing analog network with dual mode (digital) and analog) transceivers. Digital: Programmable and adaptable to digital signal processing technologies and narrowband channel spacing. Analog: compatible to the VHF marine radios in use by the maritime public. Integrate DSC, encryption capability, digital recording equipment, and data transmission capability. This alternative replaces old radios with new equipment and also adds additional radio capability. Adding position location and filling coverage gaps is also desired. It is expected that fulfilling these last two requirements will require additional antenna sites.

Alternative D—Multi-Mode: Satellite, Cellular, VHF and/or UHF Network. Replace the existing network with multi-mode equipment that utilizes satellite, cellular, and VHF/UHF communications. Integrate DSC, signal encryption capability, digital recording equipment, and data transmission capability. Adding position location and filling coverage gaps is also desired. It is expected that fulfilling these last two requirements will require additional antenna sites.

All the alternatives will require approximately the same number of additional antenna sites with the

exception of the ''Status Quo'' alternative.

Affected Environment

The environment which may be affected by the proposed action may be portions of the marine and terrestrial (both urban and rural) coastal region of the continental U.S., Alaska, Hawaii, the Caribbean, Guam, the Great Lakes and major inland bays and waterways (including Western Rivers) where the Coast Guard has jurisdiction and where commercial and/or recreational maritime traffic exist. The EA will discuss the general aspects of the affected environment outlined above and areas of discussion may include air quality, terrestrial vegetation and wildlife (perhaps including endangered species and their habitat), prime and unique farmlands, historic and cultural resources, wetlands, parks, sanctuaries, conservation/preservation areas, 100-year flood plains, marine vegetation and wildlife (perhaps including endangered species and their habitat), and water quality.

Anticipated Environmental Issues

Areas of Potential Environmental Concern

Internal research has revealed that the following areas may be issues of possible environmental concern: Radio waves (estimated 100 MHz to 1 GHz) from antenna sites; disposal of replaced system components and any associated hazardous materials, including future disposal of any hazardous materials associated with the new system; disturbance of nesting birds, or possible bird mortality from striking tower guy wires or from construction of antenna sites, enclosures, and land lines. Possible impacts from construction could be: disturbance of vegetation and wildlife (perhaps including endangered species and their habitat) wetland disturbance, air emissions, effects to historic/cultural resources including archeological resources, air quality, aesthetics, and construction noise.

Anticipated Environmental Benefits

Oil Spill Prevention. Increased prevention of accident such as oil spills or other hazardous materials from increased ability to track commercial shipping and prevent groundings.

Oil Spill Clean Up. Expedited cleanup of accidents such as oil spills or other hazardous material spills from increased ability to: pinpoint the location of a distressed vessel or accident, respond quickly to distress calls, contact and coordinate with appropriate spill response teams and other important specialists outside the Coast Guard, disseminate marine safety information, and continue operations during natural disasters.

Endangered Species Act/Conservation Laws Warnings/Enforcement. Increased ability to communicate environmental information/warnings to mariners regarding endangered species sightings/activity (e.g., North Atlantic Right Whale, Kemp's Ridley sea turtle, manatee). Improved coordination of responses with National Marine Fisheries Service and state/local civilian responders to distressed endangered species (e.g., stranded, entangled, or distressed animals). Increased ability to communicate important environmental information to State or local environmental agencies for record purposes. Improved protection of communications for fisheries and conservation enforcement. Anticipated Non-Environmental Benefits.

Increased Safety of Human Life. Increased ability to communicate with, and respond to, the maritime public (recreational and commercial) when in distress. Position locating capability will improve response time, reducing loss of life. Digital Selective Calling capability will allow receipt of distress alerts from DSC-equipped vessels.

Increased Public Service. The Coast Guard will be able to receive all incoming short-range distress calls without interruption. Additionally, the Coast Guard will be able to close the current gaps in communication coverage and achieve improved overall communications with various Federal, State, and local agencies.

Increased Maritime Law Enforcement. The protection of sensitive communications will enhance the Coast Guard law enforcement capability and interoperability with other federal, state, and local agencies.

Increased National Security. In addition to supporting Maritime Law Enforcement, improved communications protection in the modernization NDS will support defense missions in the coastal areas.

R.J. Casto,

Rear Admiral, U.S. Coast Guard, Assistant Commandant for Acquisition.

[FR Doc. 98–6885 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–14–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 186/Eurocae Working Group 51; Automatic Dependent Surveillance—Broadcast (ADS–B)

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for Special Committee 186/EUROCAE Working Group 51 joint meeting to be held April 1–2, 1998, starting at 9:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036.

The agenda will include: (1) Chairman's Introductory Remarks/Review of Meeting Agenda; (2) Review and Approval of Minutes of the Previous Meeting; (3) Report of Working Group Activities: a. Working Group 1; b. 1090 MHz MOPS; c. CDTI MOPS; d. Working Group 4; (4) EUROCAE Working Group 51 Report, Status of VHR MOPS: a. Present ATC Systems; b. Evolving ATC Systems; c. Aircraft Changes and Architecture Options; d. Implementation Strategy; e. Summary; (5) EUROCAE Discussion of VDL Mode 4, Technical Description and Ongoing European Programs: a. EMERALD Program; b. FREER Project; (6) Discuss Special Committee 186 Reorganization; (7) Other Business; (8) Date and Place of Next Meeting.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 11, 1998.

Terry R. Hannah,

Designated Official.

[FR Doc. 98–6813 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 191; Collaborative Decisionmaking and Near-Term Procedures

Pursuant to section 10(a) (2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for the Special Committee 191 meeting to be held April 2, 1998, starting at 10:00 a.m. The meeting will be held at RTCA, 1140 Connecticut Avenue, NW., Suite 1020, Washington, DC, 20036.

The agenda will be as follows: (1) Chairman's Introductory Remarks; (2) Briefing on Prototype Operations; (3) Performance Analysis: a. Methods for Estimating; b. Plans for Studying/ Reporting Results; (4) Prototype Operations: a. Lessons Learned; b. Potential Solutions; c. Terminology/ Advisories; d. Compression; e. Simplified Sub Rules; f. Next Steps; (5) Collaborative Routing Briefing; (6) NAS Status Briefing; (7) Review of Action Items; (8) Adjourn.

Attendance is open to the interested public but limited to space availability. With the approval of the chairman, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the RTCA Secretariat, 1140 Connecticut Avenue, N.W., Suite 1020, Washington, DC 20036; (202) 833–9339 (phone); (202) 833–9434 (fax); or http://www.rtca.org (web site). Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on March 11, 1998.

Terry R. Hannah,

Designated Official.

[FR Doc. 98–6818 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Policy Statement No. ANM–98–2]

Passenger Capacity Increases and Compliance With Type Certification Requirements for Transport Airplane Emergency Evacuation

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of policy statement and request for comments.

SUMMARY: This notice announces the FAA's policy with respect to passenger capacity increases and compliance with the type certification requirements for transport airplane emergency evacuation. This notice advises the public of FAA policy and gives all interested persons an opportunity to present their views on the policy statement.

DATES: Comments must be received on or before April 16, 1998.

ADDRESSES: Send all comments on this policy statement to the individual identified under **FOR FURTHER INFORMATION CONTACT**.

FOR FURTHER INFORMATION CONTACT: Jeff Gardlin, FAA Propulsion/ Mechanical/Cabin Safety Branch, ANM–112, Transport Airplane Directorate, 1601 Lind Avenue SW., Renton, WA 98055–4056; telephone (425) 227–2136.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to comment on this policy statement by submitting such written data, views, or arguments as they may desire. Commenters should identify the Policy Statement Number of this notice and submit comments, in duplicate, to the address specified above. All communications received on or before the closing date for comments will be considered by the Transport Standards Staff.

Discussion

The requirement for full-scale evacuation demonstrations was introduced into the Federal Aviation Regulations (FAR) in 1965 by a change to the operating rules. The rule change followed both a Notice of Proposed Rulemaking and a public hearing. The primary basis for this change was the identification of deficiencies in ''equipment, procedures, and training'' discovered during evacuation testing.

The rule applied to all passenger carrying airplanes with more than 44 passengers, and any subsequent increase in passenger capacity of those airplanes of more than five percent. In addition, a new demonstration was required for a ''major change'' in the cabin interior that would affect passenger evacuation. The time limit for the evacuation demonstration was two minutes, using one half of the available exits.

In 1967, the requirement for a full-scale evacuation demonstration was added to the type certification requirements of 14 CFR part 25. This demonstration, conducted by the airframe manufacturer, was done to help ensure comparable evacuation capability of each new model, and with the knowledge that much larger transport (widebody) airplanes were under development. At that time, the existing design requirements were not considered adequate to minimize variation in evacuation capability. The introduction of the full-scale evacuation demonstration requirement in part 25 was coupled with a change to the operating rules so that both demonstrations were required to be completed within 90 seconds. The proposal leading to this rule is clear that the reduction in the total time was implemented to take advantage of advances in emergency equipment, specifically escape slides. The manufacturer's demonstration did not have to be repeated for changes in interior arrangement, or increases in passenger capacity of five percent or less, provided that these changes could be substantiated analytically.

In 1978, after numerous evacuation demonstrations had been conducted, the type design requirements were amended again. This amendment allowed the use of analysis and tests to substantiate the evacuation performance of an airplane, and removed the previous explicit five percent limit on passenger increase. The primary prerequisite for this methodology was that there be sufficient test data to support an analysis.

In July 1986, the FAA Administrator established policy limiting the use of analysis to passenger capacity increases of five percent or less, due to the absence of any agreed industry standard on when an analysis was appropriate. This policy was applied while analytical methodologies were refined, such that the FAA could have confidence in approval of larger passenger capacity increases by a combination of analysis and test. The development of improved methodologies was undertaken.

In 1989, the FAA issued Advisory Circular (AC) 25.803–1, Emergency Evacuation Demonstrations, to provide specific demonstration test criteria, and discuss the use of analysis. The AC stated that a full-scale demonstration should be conducted for passenger capacity increases of greater than 5% because of the continued absence of an industry standard on when analysis could be used. However, the AC also acknowledged that it described one means, but not the only means, of complying with the relevant regulation, and therefore did not foreclose applicants from proposing to substantiate compliance by analysis, even for larger capacity increases. In actual practice, there have been approvals for increases in passenger capacity of greater than five percent under specific circumstances (i.e., the

resultant passenger capacity is still well below the theoretical maximum).

The Performance Standards Working Group, under the auspices of the Aviation Rulemaking Advisory Committee (ARAC) on emergency evacuation issues, was tasked to develop a standardized protocol to determine when an analysis is appropriate. One of the primary objectives of this effort was to reduce the number and severity of injuries that can occur in full-scale evacuation demonstrations. Although ARAC was unable to reach a consensus, it has submitted the group's final document to the FAA in the form of a draft advisory circular. The document submitted to the FAA does not include any limitation on passenger capacity increase with respect to analysis. While the FAA's action here is consistent with the ARAC document with respect to passenger capacity increases, it does not reflect each ARAC participant's views.

The FAA has now determined that standardized methodologies have been developed and there are sufficient data now available, such that a limitation on the use of analysis based only on an increase in passenger capacity is no longer necessary. This position is supported by the aviation industry. In addition, the FAA has also received a letter from a noted independent researcher endorsing the use of analysis in the general case, and not tied to an arbitrary limit on the increase in passenger capacity. Analytical techniques are used to substantiate various certification requirements, including those with safety of flight ramifications, and in all cases the key element in their use is the underlying data to support the analysis. The FAA has determined that evacuation demonstrations should be treated no differently and, where sufficient data are available, analysis is an option. Since the existing advisory circular has been interpreted by the public as effectively prohibiting the use of a combination of analysis and test in cases where the passenger capacity is increased by greater than five percent, the FAA is issuing a formal notice that analysis in such cases may be acceptable. Full-scale demonstrations will still be required when sufficient data are not available to support a combination of analysis and test.

While the FAA is seeking public comment on this policy, it is the FAA intention to immediately apply this policy to two specific certification programs in progress during the period of public comment and disposition of comments. It is the FAA position that for the Boeing 777–300 and the Airbus A330/340, there are currently sufficient full-scale evacuation data available to support analysis. The Boeing 777–300 involves a fuselage stretch and the addition of a pair of exits with an increase in demonstrated passenger capacity from 440 to 550. The Airbus A330/340 involve a fuselage stretch and increasing the size of a pair of exits with an increase in demonstrated passenger capacity from 361 to 440. In both these cases, a wealth of full-scale evacuation data are available to support analysis and the FAA is confident that the use of analysis is well within the intent of the regulation. Therefore, in accordance with the regulation, conduct of additional full-scale evacuation demonstrations is not required to demonstrate compliance, if a satisfactory analysis is produced. The FAA intends to publish a revised proposed advisory circular that reflects this policy. Resolution of the public comment will be considered in determining whether the policy should be refined for future projects, and so reflected in the advisory circular.

Issued in Renton, WA, on March 6, 1998.

Ronald T. Wojnar,

Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 98–6707 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement: Howard County, MD

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Howard County, Maryland.

FOR FURTHER INFORMATION CONTACT: Ms. Renee Sigel, Planning, Research, and Environment Team Leader, Federal Highway Administration, The Rotunda Suite 220, 711 West 40th Street, Baltimore, Maryland 2112211, Telephone: (410) 962–4342.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Maryland State Highway administration, will prepare an environmental impact statement (EIS) to improve MD 32 from MD 108 (Clarksville Road) to I–70, in Howard County, Maryland. Proposed improvements within the corridor would involve upgrading MD 32 to a four lane access controlled highway, between the town of Clarksville and I–70 for approximately 9 miles.

Improvements to the corridor are necessary to provide for the existing and projected traffic demands. Also, accident statistics indicate that some sections along this roadway (especially MD 32, from south of Triadelphia Road to south of West Ivory Road and from Terrapin Branch to north of I–70) experience accident rates higher than the statewide average.

Alternatives under consideration include taking no action and widening existing MD 32 to a four lane divided highway with various options for constructing new interchanges at Burntwoods Road, Triadelphia Road, Rosemary Lane, Nixon's Farm, Dayton Shop, and MD 144.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations, citizens, and citizen groups who have previously expressed or are known to have an interest in this proposal. It is anticipated that a Public Hearing will be held in the fall of 1998. The Draft EIS will be available for public and agency review and comment prior to a Public Hearing. Public notice will be given of the availability of the Draft EIS for review and of the time and place of this hearing. An Alternates Public Workshop was held in June of 1996, in addition to monthly focus group meetings to solicit opinions and ideas on proposed improvements from local citizens.

To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning these proposed actions and EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Research, Planning and Construction. The regulation implementing Executive Order 12372 regarding intergovernmental consultation of Federal programs and activities apply to this program)

Issued on: March 3, 1998.

Renee Sigel,

Planning, Research and Environment Team Leader, Baltimore, Maryland.

[FR Doc. 98–6831 Filed 3–16–98; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF THE TREASURY

Domestic Finance; Notice of Open Meeting of the Advisory Committee, U.S. Community Adjustment and Investment Program

The Department of the Treasury, pursuant to the North American Free Trade Agreement (''NAFTA'') Implementation Act (Pub. L. 103–182), established an advisory committee (the ''Advisory Committee'') for the community adjustment and investment program (the ''Program''). The Program will provide financing to businesses and individuals in communities adversely impacted by NAFTA to create new jobs. The charter of the Advisory Committee has been filed in accordance with the Federal Advisory Committee Act of October 6, 1972 (Pub. L. 92–463), with the approval of the Secretary of the Treasury.

The Advisory Committee consists of nine members of the public, appointed by the President, who collectively represent: (1) Community groups whose constituencies include low-income families; (2) scientific, professional, business, nonprofit, or public interest organizations or associations, which are neither affiliated with, nor under the direction of, a government; and (3) for-profit business interests.

The objectives of the Advisory Committee are to: (1) Provide informed advice to the President regarding the implementation of the Program; and (2) review on a regular basis, the operation of the Program, and provide the President with the conclusions of its review. Pursuant to Executive Order No. 12916, dated May 13, 1994, the President established an interagency committee to implement the Program and to receive, on behalf of the President, advice of the Advisory Committee. The committee is chaired by the Secretary of the Treasury.

A meeting of the Advisory Committee, which will be open to the public, will be held in Monterey, California at the Monterey Beach Hotel, La Grande Room, 2600 Sand Dunes Drive, Monterey, California 93940 (Tel 408–394–3321) from 9 a.m. to 4 p.m. on Thursday, April 2, 1998. The meeting room will accommodate approximately 100 persons and seating is available on a first-come, first-serve basis, unless space has been reserved in advance. Due to limited seating, prospective attendees are encouraged to contact the person listed below prior to March 26, 1998. If you would like to have the Advisory Committee consider a written statement, material must be submitted to the U.S. Community Adjustment and Investment Program, Advisory Committee, Department of the Treasury, 1500 Pennsylvania Avenue, NW, Room 3041, Washington, DC 20220 no later than March 23, 1998. If you have any questions, please call Dan Decena at (202)622–0637. (Please note that this telephone number is not toll-free.)

Gary Gensler,

Assistant Secretary, Financial Markets.

[FR Doc. 98–6774 Filed 3–16–98; 8:45 am]

BILLING CODE 4510–01–P

DEPARTMENT OF THE TREASURY

Customs Service

List of Foreign Entities Violating Textile Transshipment and Country of Origin Rules

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: This document notifies the public of foreign entities which have been issued a penalty claim under section 592 of the Tariff Act, for certain violations of the customs laws. This list is authorized to be published by section 333 of the Uruguay Round Agreements Act.

FOR FURTHER INFORMATION CONTACT: For information regarding any of the operational aspects, contact Michael Compeau, Branch Chief, Seizures and Penalties Division, at 202–927–0762. For information regarding any of the legal aspects, contact Ellen McClain, Office of Chief Counsel, at 202–927–6900.

SUPPLEMENTARY INFORMATION:

Background

Section 333 of the Uruguay Round Agreements Act (URAA) (Pub. L. 103–465, 108 Stat. 4809) (signed December 12, 1994), entitled Textile Transshipments, amended Part V of title IV of the Tariff Act of 1930 by creating a section 592A (19 U.S.C. 1592A), which authorizes the Secretary of the Treasury to publish in the **Federal Register**, on a biannual basis, a list of the names of any producers, manufacturers, suppliers, sellers, exporters, or other persons located outside the Customs territory of the United States, when these entities have been issued a penalty claim under section 592 of the Tariff Act, for certain violations of the customs laws, provided that certain conditions are satisfied.

The violations of the customs laws referred to above are the following: (1) Using documentation, or providing documentation subsequently used by the importer of record, which indicates a false or fraudulent country of origin or source of textile or apparel products; (2) Using counterfeit visas, licenses, permits, bills of lading, or similar documentation, or providing counterfeit visas, licenses, permits, bills of lading, or similar documentation that is subsequently used by the importer of record, with respect to the entry into the Customs territory of the United States of textile or apparel products; (3) Manufacturing, producing, supplying, or selling textile or apparel products which are falsely or fraudulently labeled as to country of origin or source; and (4) Engaging in practices which aid or abet the transshipment, through a country other than the country of origin, of textile or apparel products in a manner which conceals the true origin of the textile or apparel products or permits the evasion of quotas on, or voluntary restraint agreements with respect to, imports of textile or apparel products.

If a penalty claim has been issued with respect to any of the above violations, and no petition in response to the claim has been filed, the name of the party to whom the penalty claim was issued will appear on the list. If a petition, supplemental petition or second supplemental petition for relief from the penalty claim is submitted under 19 U.S.C. 1618, in accord with the time periods established by §§ 171.32 and 171.33, Customs Regulations (19 CFR 171.32, 171.33) and the petition is subsequently denied or the penalty is mitigated, and no further petition, if allowed, is received within 30 days of the denial or allowance of mitigation, then the administrative action shall be deemed to be final and administrative remedies will be deemed to be exhausted. Consequently, the name of the party to whom the penalty claim was issued will appear on the list. However, provision is made for an appeal to the Secretary of the Treasury by the person named on the list, for the removal of its name from the list. If the Secretary finds that such person or entity has not committed any of the enumerated violations for a period of not less than 3 years after the date on which the person or entity's name was published, the name will be removed from the list as of the next publication of the list.

Reasonable Care Required

Section 592A also requires any importer of record entering, introducing, or attempting to introduce into the commerce of the United States textile or apparel products that were either directly or indirectly produced, manufactured, supplied, sold, exported,

or transported by such named person to show, to the satisfaction of the Secretary, that such importer has exercised reasonable care to ensure that the textile or apparel products are accompanied by documentation, packaging, and labeling that are accurate as to its origin. Reliance solely upon information regarding the imported product from a person named on the list is clearly not the exercise of reasonable care. Thus, the textile and apparel importers who have some commercial relationship with one or more of the listed parties must exercise a degree of reasonable care in ensuring that the documentation covering the imported merchandise, as well as its packaging and labeling, is accurate as to the country of origin of the merchandise. This degree of reasonable care must rely on more than information supplied by the named party.

In meeting the reasonable care standard when importing textile or apparel products and when dealing with a party named on the list published pursuant to section 592A of the Tariff Act of 1930, an importer should consider the following questions in attempting to ensure that the documentation, packaging, and labeling is accurate as to the country of origin of the imported merchandise. The list of questions is not exhaustive but is illustrative.

(1) Has the importer had a prior relationship with the named party?

(2) Has the importer had any detentions and/or seizures of textile or apparel products that were directly or indirectly produced, supplied, or transported by the named party?

(3) Has the importer visited the company's premises and ascertained that the company has the capacity to produce the merchandise?

(4) Where a claim of an origin conferring process is made in accordance with 19 CFR 102.21, has the importer ascertained that the named party actually performed the required process?

(5) Is the named party operating from the same country as is represented by that party on the documentation, packaging or labeling?

(6) Have quotas for the imported merchandise closed or are they nearing closing from the main producer countries for this commodity?

(7) What is the history of this country regarding this commodity?

(8) Have you asked questions of your supplier regarding the origin of the product?

(9) Where the importation is accompanied by a visa, permit, or license, has the importer verified with the supplier or manufacturer that the visa, permit, and/or license is both valid and accurate as to its origin? Has the importer scrutinized the visa, permit or license as to any irregularities that would call its authenticity into question?

The law authorizes a biannual publication of the names of the foreign entities. On September 15, 1997, Customs published a Notice in the **Federal Register** (62 FR 48340) which identified 16 (sixteen) entities which fell within the purview of section 592A of the Tariff Act of 1930.

592A List

For the period ending March 31, 1998, Customs has identified 19 (nineteen) foreign entities that fall within the purview of section 592A of the Tariff Act of 1930. This list reflects the addition of 3 new entities to the 16 entities named on the list published on September 15, 1997. The parties on the current list were assessed a penalty claim under 19 U.S.C. 1592, for one or more of the four above-described violations. The administrative penalty action was concluded against the parties by one of the actions noted above as having terminated the administrative process.

The names and addresses of the 19 foreign parties which have been assessed penalties by Customs for violations of section 592 are listed below pursuant to section 592A. This list supersedes any previously published list. The names and addresses of the 19 foreign parties are as follows (the parenthesis following the listing sets forth the month and year in which the name of the company was first published in the **Federal Register**):

Azmat Bangladesh, Plot Number 22–23, Sector 2 EPZ, Chittagong 4233, Bangladesh. (9/96)

Bestraight Limited, Room 5K, World Tech Centre, 95 How Ming Street, Kwun Tong, Kowloon, Hong Kong. (3/96)

Cotton Breeze International, 13/1578 Govindpuri, New Delhi, India. (9/95)

Cupid Fashion Manufacturing Ltd., 17/f Block B, Wongs Factory Building, 368–370 Sha Tsui Road, Tsuen Wan, Hong Kong. (9/97)

Eun Sung Guatemala, S.A., 13 Calle 3–62 Zona Colonia Landivar, Guatemala City, Guatemala. (3/98)

Hanin Garment Factory, 31 Tai Yau Street, Kowloon, Hong Kong. (3/96)

Hip Hing Thread Company, No. 10, 6/F Building A, 221 Texaco Road, Waikai Industrial Centre, Tsuen Wan, N.T. Hong Kong. (3/96)

Hyattex Industrial Company, 3F, No. 207–4 Hsin Shu Road, Hsin Chuang City, Taipei Hsien, Taiwan. (9/96)

Jentex Industrial, 7–1 Fl., No. 246, Chang An E. Rd., Sec.2, Taipei, Taiwan. (3/97)

Jiangxi Garments Import and Export Corp., Foreign Trade Building, 60 Zhangqian Road, Nanchang, China. (3/98)

Li Xing Garment Company Limited, 2/F Long Guang Building, Number 2 Manufacturing District, Sanxiang Town, Zhongshan, Guandgong, China. (9/96)

Meigao Jamaica Company Limited, 134 Pineapple Ave., Kingston, Jamaica. (9/96)

Meiya Garment Manufacturers Limited, No. 2 Building, 3/F, Shantou Special Economic Zone, Shantou, China. (9/96)

Poshak International, H–83 South Extension, Part-I (Back Side), New Delhi, India. (3/96)

Sun Weaving Mill Ltd., Lee Sum Factory Building, Block 1 & 2, 23 Sze Mei Street, Sanpokong, Bk 1/2, Kowloon, Hong Kong. (9/97)

Takhi Corporation, Huvsgalchdyn Avenue, Ulaanbaatar 11, Mongolia. (3/98)

Topstyle Limited, 6/F, South Block, Kwai Shun Industrial Center, 51–63 Container Port Road, Kwai Chung, New Territories, Hong Kong. (9/96)

United Fashions, C–7 Rajouri Garden, New Delhi, India. (9/95)

Yunnan Provincial Textiles Import & Export, 576 Beijing Road Kunming, Yun Nan, China. (3/96)

Any of the above parties may petition to have its name removed from the list. Such petitions, to include any documentation that the petitioner deems pertinent to the petition, should be forwarded to the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229.

Additional Foreign Entities

In the September 15, 1997, **Federal Register** notice, Customs also solicited information regarding the whereabouts of 39 foreign entities, which were identified by name and known address, concerning alleged violations of section 592. Persons with knowledge of the whereabouts of those 39 entities were requested to contact the Assistant Commissioner, Office of Field Operations, United States Customs Service, 1301 Constitution Avenue, Washington, D.C. 20229.

In this document, a new list is being published which contains the names and last known addresses of 54 entities. This reflects the addition of fifteen new entities to the list.

Customs is soliciting information regarding the whereabouts of the following 54 foreign entities concerning alleged violations of section 592. Their names and last known addresses are listed below (the parenthesis following the listing sets forth the month and year in which the name of the company was first published in the **Federal Register**):

Arsian Company Ltd, XII Khorcolo, Waanbaatar, Mongolia. (9/95)

Bahadur International, 250 Naraw Industrial Area, New Delhi, India. (9/95)

Balmar Export Pte. Ltd., No. 7 Kampong Kayu Road, Singapore, 1543. (3/98)
Bao An Wing Shing Garment Factory, Ado Shi Qu, Bao An Shen Zhen, China. (9/95)
Belwear Co., Ltd., Flat C, 3rd Floor, Yuk Yat Street, Kowloon, Hong Kong. (9/95)
Cahaya Suria Sdn Bhd, Lot 5, Jalan 3, Kedah, Malaysia. (9/95)
Changping High Stage Knitting, Yuan Jing Yuan, Chau Li Qu Chang, Guangdong, China. (9/95)
Confecciones Kalinda S.A., Zona Franca, Los Alcarrizos, Santo Domingo, Dominican Republic. (9/95)
Crown Garments Factory Sdn Bhd, Lot 112, Jalan Kencana, Bagan Ajam, Malaysia. (9/95)
Dechang Garment Factory, Shantou S.E.Z., Cheng Hai, Cheng Shing, China. (9/95)
Envestisman Sanayi A.S., Buyukdere Cad 47, Tek Is Merkezi, Istanbul, Turkey. (9/97)
Eroz Fashions, 535 Tuglakabad Extension, New Delhi, India. (9/95)
Essence Garment Making Factory, Splendid Centre, 100 Larch Street, Flat D, 5th Floor, Taikoktsui, Kowloon, Hong Kong. (3/98)
Fabrica de Artigos de Vest. Dynasty, Lda., Avenida do Almirante Magalhaes Correia, Edificio Industrial Keck Seng, Block III, 4th Floor ''UV'', Macau. (3/98)
Fabrica de Vestuario Wing Tai, 45 Estrada Marginal Da Areia Preta, Edif. Centro Poltex, 3/E, Macau. (3/98)
Galaxy Gloves Factory, Annking Industrial Building, Wang Yip East Street Room A, 2/F, Lot 357, Yuen Long Industrial Estate, Yuen Long, New Territories, Hong Kong. (3/98)
Grey Rose Maldives, Phoenix Villa, Majeedee Magu, Male, Republic of Maldives. (3/98)
Guangdong Provincial Improved, 60 Ren Min Road, Guangdong, China. (9/95)
Guidetex Garment Factory, 12 Qian Jin Dong Jie, Yao Tai Xian Yuan Li, Canton, China. (9/95)
Gulnar Fashion Export, 14 Hari Nagar, Ashram, New Delhi, India. (9/95)
Herrel Company, 64 Rowell Road, Suva, Fiji. (9/95)
Jai Arjun Mfg. Co., B 4/40 Paschim Vihar, New Delhi, India. (9/95)
Janardhan Exports, E–106 Krishna Nagar, New Delhi, India. (9/95)
Kin Cheong Garment Factory, No. 13 Shantan Street, Sikou Country, Taishan, Kwangtong, China. (9/95)
Kingston Garment Ltd., Lot 42–44 Caracas Dr., Kingston, Jamaica. (9/95)
Konivon Development Corp., Shun Tak Center, 200 Connaught Road, No. 3204, Hong Kong. (3/98)
Kwuk Yuk Garment Factory, Kwong Industrial Building, 39–41 Beech St., Flat A, 11th Floor, Tai Kok Tsui, Kowloon, Hong Kong. (3/98)
Land Global Ltd., Block c, 14/F, Y.P. Fat Building, Phase 1, *77 Hoi Yuen Road*, Kowloon, Hong Kong. (9/97)
Leader Glove Factory, Tai Ping Industrial Centre, 57, Ting Kok Road, 25/F, Block 1, Flat A, Tai Po, New Territories, Hong Kong. (3/98)
Lin Fashions S.A., Lot 111, San Pedro de Macoris, Dominican Republic. (9/96)
Luen Kong Handbag Factory, 33 Nanyuan Road, Shenzhen, Guangdong, China. (9/95)
Madan Exports, E–106 Krishna Nagar, New Delhi, India. (9/95)
Morrin International, E–106 Krishna Nagar, New Delhi, India. (9/95)
Patenter Trading Company, Block C. 14/F, Yip Fat Industrial Building, Phase 1, 77 Hoi Yuen Road, Kowloon, Hong Kong. (9/97)
Poltex Sdn, 8 Jalan Serdang, Kedah, Malaysia. (9/95)
Raj Connections, E–106 Krishna Nagar, Delhi, India. (9/95)
Richman Garment Manufacturing Co., Ltd., 7th Fl, Singapore Industrial Bldg., 338 Kwun Tong Road, Kowloon, Hong Kong. (9/95)
Round Ford Investments, 37–39 Ma Tau Wai Road, 13/f Tower B, Kowloon, Hong Kong. (9/97)
Royal Mandarin Knitworks Co., Flat C 21/F, So Tau Centre, 11–15 Sau Road, Kwai Chung, N.T., Hong Kong. (9/95)
Sam Hing Bags Fty, Ltd., 135 Tai Ping West Road, Jiu Jaing, Ghangdong, China. (9/95)
Sam Hing International, Enterprise, 5 Guernsey St., Guilford NSW, Australia. (9/95)
Shanghai Yang Yuan Garment Factory, 2 Zhaogao Road, Chuanshin, Shanghai, China. (9/97)
Shenzhen Long Gang Ji Chuen, Shenzhen, Long Gang Zhen, China. (9/95)
Silver Pacific Enterprises Ltd., Shun Tak Center, 200 Connaught Road, No. 2908, Hong Kong. (3/98)
Societe Prospere De Vetements S.A., Lome, Togo. (9/95)
Tat Hing Garment Factory, Tat Cheong Industrial Building, 3 Wing Ming Street, Block C, 13/F, Lai Chi Kok, Kowloon, Hong Kong. (3/98)
Tientak Glove Factory Limited, 1 Ting Kok Road, Block A, 26/F, Tai Po, New Territories, Hong Kong. (3/98)
Traffic, D1/180 Lajpat Nagar, New Delhi, India. (9/95)
United Textile and Weaving, P.O. Box 40355, Sharjah, United Arab Emirates. (9/97)
Wealthy Dart, Wing Ka Industrial Building, 87 Larch Street, 7th Floor, Kowloon, Hong Kong. (3/98)
Wilson Industrial Company, Yip Fat Factory Building, 77 Hoi Yuen Road, Room B, 3/F, Kwun Yong, Kowloon, Hong Kong. (3/98)
Wong's International, Nairamdliyn 26, Ulaanbaatar 11, Naaun, Mongolia. (9/95)
Yogay Fashion Garment Factory Ltd, Lee Wan Industrial Building, 5 Luk Hop Street, San Po Kong, Kowloon, Hong Kong. (3/98)
Zuun Mod Garment Factory Ltd., Tuv Aimag, Mongolia. (9/97)

If you have any information as to a correct mailing address for any of the above 54 firms, please send that information to the Assistant Commissioner, Office of Field Operations, U.S. Customs Service, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229.

Dated: March 12, 1998.

A.W. Tennant,

Acting Assistant Commissioner, Office of Field Operations.

[FR Doc. 98–6881 Filed 3–16–98; 8:45 am]
BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–25–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–25–94 (TD 8686), Requirements to Ensure Collection of Section 2056A Estate Tax (§ 20.2056A–2).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Requirements to Ensure Collection of Section 2056A Estate Tax.

OMB Number: 1545–1443.

Regulation Project Number: PS–25–94.

Abstract: This regulation provides guidance relating to the additional requirements necessary to ensure the collection of the estate tax imposed under Internal Revenue Code section 2056A(b) with respect to taxable events involving qualified domestic trusts (QDOT'S). In order to ensure collection of the tax, the regulation provides various security options that may be selected by the trust and the

requirements associated with each option. In addition, under certain circumstances the trust is required to file an annual statement with the IRS disclosing the assets held by the trust.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households.

Estimated Number of Respondents: 4,390.

Estimated Time Per Respondents: 1 hour, 23 minutes.

Estimated Total Annual Recordkeeping Hours: 6,070.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6750 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–955–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–955–86 (TD 8350), Requirements For Investments to Qualify Under Section 936(d)(4) As Investments in Qualified Caribbean Basin Countries (§ 1.936–10(c)).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Requirements For Investments to Qualify Under Section 936(d)(4) As Investments in Qualified Caribbean Basin Countries.

OMB Number: 1545–1138.

Regulation Project Number: INTL–955–86.

Abstract: This regulation relates to the requirements that must be met for an investment to qualify under Internal Revenue code section 936(d)(4) as an investment in qualified Caribbean Basin countries. Income that is qualified possession source investment income is entitled to a quasi-tax exemption by reason of the U.S. possessions tax credit under Code section 936(a) and substantial tax exemptions in Puerto Rico. Code section 936(d)(4)(C) places certification requirements on the recipient of the investment and the qualified financial institution; and recordkeeping requirements on the financial institution and the recipient of the investment funds to enable the IRS to verify that the investment funds are being used properly and in accordance with the Caribbean Basin Economic Recovery Act.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Recordkeepers: 50.

Estimated Time per Recordkeeper: 30 hours.

Estimated Total Annual Recordkeeping Hours: 1,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 9, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6751 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–24–94]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, INTL–24–94 (TD 8671), Taxpayer Identifying Numbers (TINs) (§ 301.6109–1).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Taxpayer Identifying Numbers (TINs).

OMB Number: 1545–1461.

Regulation Project Number: INTL–24–94.

Abstract: This regulation relates to requirements for furnishing a taxpayer identifying number on returns, statements, or other documents. Procedures are provided for requesting a taxpayer identifying number for certain alien individuals for whom a social security number is not available. The regulation also requires foreign persons to furnish a taxpayer identifying number on their tax returns.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

The burden for the collection of information is reflected in the burden for Form W–7, Application for IRS Individual Tax Identification Number (For Non-U.S. Citizens or Nationals).

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6752 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[INTL–870–89]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, INTL–870–89, Earnings Stripping (Section 163(j)).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Earnings Stripping (Section 163(j)).

OMB Number: 1545–1255.

Regulation Project Number: INTL–870–89.

Abstract: Internal Revenue Code section 163(j) concerns the limitation on the deduction for certain interest paid by a corporation to a related person. This provision generally does not apply to an interest expense arising in a taxable year in which the payer corporation's debt-equity ratio is 1.5 to 1 or less. Regulation section § 1.163(j)-5(d) provides a special rule for adjusting the basis of assets acquired in a qualified stock purchase. This rule allows the taxpayer, in computing its debt-equity ratio, to elect to write off the basis of the stock of the acquired corporation over a fixed stock write-off period, instead of using the adjusted basis of the assets of the acquired corporation.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 2,300.

Estimated Time Per Respondent: 31 minutes.

Estimated Total Annual Burden Hours: 1,196.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material

in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 10, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6753 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–30–95]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Pub. L. 104–13 (44 U.S.C. 3506(c)(2)(A)).

Currently, the IRS is soliciting comments concerning an existing final regulation, IA–30–95 (TD 8672), Reporting of Nonpayroll Withheld Tax Liabilities (§ 31.6011(a)–4).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulations should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Reporting of Nonpayroll Withheld Tax Liabilities.

OMB Number: 1545–1413.

Regulation Project Number: IA–30–95.

Abstract: This regulation relates to the reporting of nonpayroll withheld income taxes under section 6011 of the Internal Revenue Code. The regulations require a person to file Form 945, Annual Return of Withheld Federal Income Tax, only for a calendar year in which the person is required to withhold Federal income tax from nonpayroll payments.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

The burden for the collection of information is reflected in the burden for Form 945, Annual Return of Withheld Federal Income Tax.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number.

Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 11, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6754 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[FI–221–83 and FI–100–83]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking (FI–221–83) and temporary regulation (FI–100–83), Indian Tribal Governments Treated as States for Certain Purposes (§§ 305.7701–1 and 305.7871–1).

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Indian Tribal Governments Treated as States for Certain Purposes.

OMB Number: 1545–0823.

Regulation Project Number: FI–221–83 (notice of proposed rulemaking) and FI–100–83 (temporary regulation).

Abstract: These regulations relate to the treatment of Indian tribal governments as States for certain Federal tax purposes. The regulations provide that if the governing body of a tribe, or its subdivision, is not designated as an Indian tribal government or subdivision thereof for purpose of sections 7701(a)(40) and 7871 of the Internal Revenue Code, it may apply for a ruling to that effect from the Internal Revenue Service.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: State, local or tribal governments.

Estimated Number of Respondents: 25.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 25.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 11, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6755 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Revenue Procedure 98–22

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Revenue Procedure 98–22, Employee Plans Compliance Programs.

DATES: Written comments should be received on or before May 18, 1998 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5571, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the revenue procedure should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5569, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employee Plans Compliance Programs.

OMB Number: 1545–1598.

Revenue Procedure Number: Revenue Procedure 98–22.

Abstract: This revenue procedure provides a comprehensive system of correction programs for sponsors of retirement plans that are intended to satisfy the requirements of section 401(a) or 403(a) of the Internal Revenue Code, but that have not met these requirements for a period of time. This system permits plan sponsors to correct these qualification failures and thereby continue to provide their employees with retirement benefits on a tax-favored basis.

Current Actions: There are no changes being made to the revenue procedure at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other-for-profit organizations, not-for-profit institutions and state, local, or tribal governments.

Estimated Number of Respondents/Recordkeepers: 2,000.

Estimated Time Per Respondent/Recordkeeper: 21 hours, 30 minutes.

Estimated Total Annual Reporting/Recordkeeping Burden Hours: 43,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

REQUEST FOR COMMENTS: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: March 11, 1998.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 98–6756 Filed 3–16–98; 8:45 am]

BILLING CODE 4830–01–P

UNITED STATES INFORMATION AGENCY

USIA Seeks Private Sector Support for U.S. Pavilion at Hannover Expo 2000

AGENCY: United States Information Agency.

ACTION: Seeking private sector support for U.S. Pavilion at Hannover Expo 2000.

SUMMARY: The United States Information Agency is seeking private sector support for the United States Pavilion at the Hannover World's Fair in the year 2000. There is a wide range of tax deductible opportunities available, ranging from taking responsibility for the entire U.S. Pavilion to cash or in-kind contributions such as airline tickets, audio-visual equipment, pavilion vehicles, guide uniforms, etc. Sponsors may be fully credited as Official Sponsors of the U.S. Pavilion.

FOR FURTHER INFORMATION CONTACT: Mr. James E. Ogul, Hannover 2000 U.S. Coordinator, by telephone, at 202–260–6511, or letter addressed to Mr. Ogul at USIA, 301 4th Street, S.W., Room 314, Washington, DC 20547. All correspondence will be considered.

Dated: March 11, 1998.

John G. Busch,

Senior Contracting Officer, Office of Contracts.

[FR Doc. 98–6889 Filed 3–16–98; 8:45 am]

BILLING CODE 8230–01–M

Corrections

Federal Register
Vol. 63, No. 51
Tuesday, March 17, 1998

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 1000 and 1005

[Docket No. FR–4170–F–16]

RIN 2577–AB74

Implementation of the Native American Housing Assistance and Self-Determination Act of 1996; Final Rule

Correction

In rule document 98–6283, beginning on page 12334, in the issue of Thursday, March 12, 1998, make the following corrections:

PART 1000—[CORRECTED]

1. Appendices A and B to part 1000 that appear on pages 12373 through 12374 should appear immediately following § 1000.558.

§ 1005.101 [Corrected]

2. On page 12372, in the second column, in § 1005.101, in the 14th line, after ''and'' insert '', after November 3, 1998,''.

BILLING CODE 1505–01–D

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 191

[T.D. 98–16]

RIN 1515–AB95

Drawback

Correction

In rule document 98–5045 beginning on page 10970, in the issue of Thursday, March 5, 1998, make the following correction:

Appendix A to Part 191 [Corrected]

On page 11041, in appendix A to part 191, in the table, in each parallel column, remove the last entry.

BILLING CODE 1505–01–D

Federal Register

Tuesday
March 17, 1998

Part II

The President

Presidential Determination No. 98–16 of March 4, 1998—Vietnamese Cooperation in Accounting for United States Prisoners of War and Missing in Action (POW/MIA)

Federal Register
Vol. 63, No. 51
Tuesday, March 17, 1998

Presidential Documents

Title 3—

The President

Presidential Determination No. 98–16 of March 4, 1998

Vietnamese Cooperation in Accounting for United States Prisoners of War and Missing in Action (POW/MIA)

Memorandum for the Secretary of State

As provided under section 609 of the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, Public Law 105–119, I hereby determine, based on all information available to the United States Government, that the Government of the Socialist Republic of Vietnam is fully cooperating in good faith with the United States in the following four areas related to achieving the fullest possible accounting for Americans unaccounted for as a result of the Vietnam War:

(1) resolving discrepancy cases, live sightings, and field activities;

(2) recovering and repatriating American remains;

(3) accelerating efforts to provide documents that will help lead to the fullest possible accounting of POW/MIAs; and

(4) providing further assistance in implementing trilateral investigations with Laos.

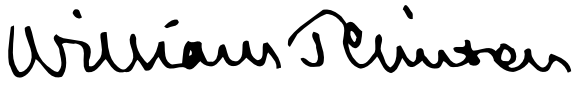
I further determine that the appropriate laboratories associated with POW/MIA accounting are thoroughly analyzing remains, material, and other information, and fulfilling their responsibilities as set forth in subsection (B) of section 609, and information pertaining to this accounting is being made available to immediate family members in compliance with 50 U.S.C. 435 note.

I have been advised by the Department of Justice and believe that section 609 is unconstitutional because it purports to use a condition on appropriations as a means to direct my execution of responsibilities that the Constitution commits exclusively to the President. I am providing this determination as a matter of comity, while reserving the position that the condition enacted in section 609 is unconstitutional.

In making this determination I have taken into account all information available to the United States Government as reported to me, the full range of ongoing accounting activities in Vietnam, including joint and unilateral Vietnamese efforts, and the concrete results we have attained as a result.

Finally, in making this determination, I wish to reaffirm my continuing personal commitment to the entire POW/MIA community, especially to the immediate families, relatives, friends, and supporters of these brave individuals, and to reconfirm that the central, guiding principle of my Vietnam policy is to achieve the fullest possible accounting of our prisoners of war and missing in action.

You are authorized and directed to report this determination to the appropriate committees of the Congress and to publish it in the **Federal Register**.



THE WHITE HOUSE,
Washington, March 4, 1998.

[FR Doc. 98–7098
Filed 3–16–98; 10:20 am]
Billing code 4710–10–P

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Federal Register

Vol. 63, No. 51

Tuesday, March 17, 1998

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The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

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Air programs:

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AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Hazelnuts grown in Oregon and Washington; comments due by 3-24-98; published 1-22-98

Oranges, grapefruit, tangerines, and tangelos grown in Florida, and imported grapefruit; comments due by 3-24-98; published 1-22-98

Prunes (dried) produced in California; comments due by 3-26-98; published 2-24-98

AGRICULTURE DEPARTMENT

Animal and Plant Health Inspection Service

Interstate transportation of animals and animal products (quarantine):

Scrapie infected sheep and goats and source flocks; interstate movement from States that do not quarantine; comments due by 3-27-98; published 1-26-98

AGRICULTURE DEPARTMENT

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BLIND OR SEVERELY DISABLED, COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE

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COMMERCE DEPARTMENT

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COMMERCE DEPARTMENT

National Telecommunications and Information Administration

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COMMODITY FUTURES TRADING COMMISSION

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The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/su_docs/. Some laws may not yet be available.

S. 916/P.L. 105–161

To designate the United States Post Office building located at 750 Highway 28 East in Taylorsville, Mississippi, as the ''Blaine H. Eaton Post Office Building''. (Mar. 9, 1998; 112 Stat. 28)

S. 985/P.L. 105–162

To designate the post office located at 194 Ward Street in Paterson, New Jersey, as the ''Larry Doby Post Office''. (Mar. 9, 1998; 112 Stat. 29)

Last List March 10, 1998

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